



FAIRFAX COUNTY BOARD OF SUPERVISORS'
2005 GENERAL ASSEMBLY
FINAL LEGISLATIVE REPORT
Revised March 21, 2005

Section I (Pages 3-29)
INITIATIVES, PRIORITIES AND BUDGET

• County Legislative Initiatives	3
• Northern Virginia Legislative Initiatives	4
• County Priorities.....	6
• State Budget	12
• Comparison of Transportation Funding.....	15
• Budget Chart.....	17

Section II (Pages 30-74)
LEGISLATIVE SUMMARY WITH BOARD POSITIONS

• Initiatives.....	32
• Passed Bills -- Oppose or Amend.....	35
• Passed Bills -- Support or Monitor	44
• Bills to be Studied	53
• Bills No Longer Under Consideration	56

Section III (Pages 75-109)
OTHER LEGISLATION OF COUNTY INTEREST

The full report is available on the Board of Supervisors Webpage at <http://www.fairfaxcounty.gov/government/board/> listed under "Programs and Reports."

For a more detailed summary, action, and wording of an individual bill please visit the Virginia Legislative Information System Website at <http://leg1.state.va.us/051/lis.htm>

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***Final Report to Board of Supervisors
2005 General Assembly
March 21, 2005***

Section I –Report on Initiatives, Priorities and Preliminary Budget Analysis

COUNTY LEGISLATIVE INITIATIVES

The following County bills passed:

HB1968 (Amundson) grants counties with populations of more than 500,000 and the towns within those counties expanded powers to regulate parking of large, heavy vehicles on substandard streets in commercially and industrially zoned districts within their boundaries.

SB929 (Puller) designates the entire length of U.S. Route 1 in Fairfax County the "Blue Star Memorial Highway."

The County's initiative to regulate mopeds will be part of a larger study on the issue:

HB2230 (Rust) would have amended the definition of "moped" to include devices powered by electric motors and allow local governments in the Northern Virginia Planning District enhanced power to regulate or prohibit operation of mopeds, electric power-assisted bicycles, trail-bikes, mini-bikes, and go-carts. A total of 13 moped bills were introduced this session. Both the House and the Senate Transportation Committees felt that they could not craft consensus legislation this session. Both committees agreed to study this issue for the next year with the intent that consensus language be developed for introduction next year.

Two County initiatives failed this year:

HB2116 (Plum) would have added "sexual orientation" as prohibited discrimination and authorizes action against such discrimination by a human rights commission in a county with the urban county executive form of government (Fairfax County.)

SJ343 (Mims) would have requested that the Department of Environmental Quality, in consultation with local governments and appropriate State, regional, and federal air quality and natural resource management agencies, study the effect of urban trees and native forests on ambient ozone levels and other air pollutants, as well as the feasibility of including tree-related measures in State Implementation Plans for managing air quality to reduce health risks and avoid loss of future federal transportation funds. Based on the State Forester's \$70,000 estimated cost for the study, the patron was unwilling to proceed with the bill. In addition, it appears that the Environmental Protection Agency may issue guidelines regarding the use of trees in State Implementation Plans.

NORTHERN VIRGINIA LEGISLATIVE INITIATIVES

Fairfax County and other Northern Virginia localities initiated legislation on several key topics, as well as an budget amendment to fund a regional capital grant project for long term care.

Birmingham Green Assisted Living Facility

Birmingham Green is a regional long term care facility, owned by the Counties of Fairfax, Prince William, Loudoun, and Fauquier and the City of Alexandria. Budget amendments were submitted by Delegate Callahan (at the request of Fairfax County) and Sen. Colgan (at the request of Birmingham Green) for \$2 million in one-time GF, to fill the gap in funding already put together by Birmingham Green for the construction of the new Assisted Living Facility. In the Budget Conference Report, Birmingham Green was awarded \$250,000 GF. This falls far short of the \$2,000,000 requested, but is still viewed as a success in light of the vast amount of one-time capital funding requests submitted this year.

Photo Red Light

All photo red legislation was killed on the House side:

HB2095 (Hugo)/**SB780** (Mims) would have extended the “sunset” on “photo red” traffic light signal enforcement programs from July 1, 2005, to July 1, 2007. **HB2095** was tabled by the House Militia, Police and Public Safety Committee. **SB780** passed the Senate, but was passed by indefinitely by the House Militia, Police and Public Safety Committee.

HB2105 (McQuigg)/**SB732** (Colgan) would have expanded photo-monitoring systems for traffic signal enforcement to all Virginia localities instead of specific localities. It also would have removed the existing July 1, 2005, sunset provision. **HB2105** was tabled by the House Militia, Police and the Public Safety Committee. **SB732** passed Senate. It was passed by indefinitely by the House Militia, Police and the Public Safety Committee.

HB1558 (Tata) would have eliminated the “sunset” provisions for current “photo red” traffic light signal enforcement programs, but limit the programs to localities that currently have “photo red” program. It was tabled by the House Militia, Police and Public Safety Committee.

HB1868 (Brink) would have extended the “sunset” provisions for the current “photo red” traffic light signal enforcement programs from July 1, 2005 to July 1, 2006. It also asked Virginia Commonwealth University to study safety impacts of “photo red” programs. This bill was stricken by the patron.

HB2274 (Oder) would have eliminated the “sunset” provisions for “photo red” traffic light signal enforcement programs. In addition to those currently permitted to have “photo red” programs, it would also have allowed jurisdictions with the one of five most dangerous intersections as determined by Department of Motor Vehicles to establish “photo red program.” This bill was tabled by the House Militia, Police and Public Safety Committee.

SB1004 (Devolites) would have expanded photo-monitoring systems for traffic signal enforcement to all Virginia localities instead of specific localities. It also would have removed the existing July 1, 2005, sunset provision. It passed the Senate. It was passed by indefinitely by the House Militia, Police and the Public Safety Committee.

SB1095 (Stolle) would have extended the “sunset” provisions for the current “photo red” traffic light signal enforcement programs from July 1, 2005 to July 1, 2006. It passed the Senate. It was passed by indefinitely by the House Militia, Police and the Public Safety Committee.

HB1576 (Reese) was originally a bill related to the duty of a driver to stop in the event of an accident. The Senate approved a substitute to the bill which incorporated the “photo red” provisions from **SB 780** without the sunset provision and including changes to the presumption of guilty provisions of the current law. The Speaker of the House ruled that the Senate substitute was not germane.

Although the photo red bills were unsuccessful, the General Assembly did approve **SB815** (Williams). This bill authorizes "photo toll" facilities to record images of all vehicles whose operators choose to use the facilities and bill the registered owners of vehicles as to which no toll is paid, prior to pursuing other remedies. This bill also allows operators to charge an administrative fee of up to \$25 when collecting unpaid tolls.

Transportation and Transit Funding

SB1099 (Whipple) would have increased from two to four percent the sales tax on fuels in every county or city in the Northern Virginia Transportation District. This bill would have generated an additional \$20 million annually to pay Northern Virginia's share of Washington Metropolitan Area Transit Authority expenses. The bill passed the Senate but was tabled in the House Finance Committee on a vote of 17-4.

COUNTY PRIORITIES

Assisted Living Facilities

Fourteen bills intending to improve the quality of care provided in Virginia-licensed Assisted Living Facilities were introduced this Session. To resolve differences and to promote a comprehensive revision to current State policy and practice, a broad-based coalition of advocacy groups, ALF provider organizations, State agencies, and the County's representative met throughout the Session to work with the patrons of the two most comprehensive bills, **HB2512** (Hamilton) and **SB1183** (Hanger). The bills have been conformed and will be forwarded to the Governor for signature.

These two bills have incorporated three of the points included in the Board's 2005 Legislative Program: (a) requiring consistent and comprehensive information for consumers; (b) improved staff and administrative qualifications and training requirements; and (c) assuring compliance with Virginia regulations. The fourth point (increased public funding) is addressed in the Budget section of this report.

The effective dates of other bills' policy revisions are tied to the implementation of regulations to be promulgated by three separate boards (Board of Social Services, a new Board of Long Term Care Administrators, and the Board of Nursing). The details for how the new policies will be implemented are to be spelled out in the regulations, to be developed this year.

Equal Taxing Authority

The County again supported the granting to counties of taxing authority equal to that of other cities, without a State-mandated dedication of such revenues. This authority would enable counties to broaden and diversify their revenue base and reduce dependency on the real estate tax. Several bills were again introduced by members of the delegation, but all were killed.

HB2354 (Hull) would have provided counties with the powers of taxation granted to municipalities as in Section 15.2-1104. **SB1100** (Whipple) similarly would have equalized city and county taxing authority by granting counties the same authority as cities.

Eminent Domain

HB1820 (Suit) modifies the provisions associated with a condemnor's entry onto property by (i) expanding the information provided in the initial request for permission to inspect; (ii) requiring that the notice of intent to enter be posted or otherwise delivered to the owner in person, in addition to being sent by certified mail; and (iii) providing that if the owner files an action to recover damages caused by entry, the court may award the owner reasonable court costs, attorney fees, and expert witness fees for no more than three experts testifying at trial if the court finds that the condemnor maliciously, willfully, or recklessly damaged the owner's property or if the court awards the owner judgment in an amount 30 percent or more than the condemnor's final written offer made no later than 30 days after the filing of an answer.

HB1821 (Suit) modifies the provisions associated with acquisitions under eminent domain by (i) requiring that a State agency's acquisition of real property be conducted in accordance with provisions that are only precatory under current law, including that the State agency establish an initial amount that is no less than the agency's approved appraisal of the fair market value of the property and that no owner can be required to surrender possession until the State agency pays the agreed purchase price or deposits funds with the court, and (ii) providing that if an owner is awarded at trial as compensation for the taking of or damage to property an amount that is 30 percent or more greater than the amount of the petitioner's written offer made not later than 60 days after the owner files responsive pleadings, the court may award the owner reasonable appraisal and engineering fees, and reasonable expert witness fees and travel costs for no more than three experts testifying at the trial. The cost award provisions do not apply to cases involving easements valued at less than \$10,000 or to cases in which a petition in condemnation or certificate of take or deposit was filed prior to July 1, 2005. The provisions of **HB1821** apply equally to acquisitions under eminent domain initiated by localities and other condemning authorities.

Immigrant-Related Legislation

HB1798 (Albo) and **SB1143** (Hanger) provide that no person who is not a U.S. citizen or legally present in the United States are eligible for any State or local public benefits. The bills define State and local public benefits, and set forth a series of exceptions to this eligibility rule. The bills also require applicants for State or local assistance to provide proof of being in the United States legally and establish a process for temporary receipt of benefits when applicants cannot provide such proof. These were the only immigration-related bills to pass this Session. While certain objectionable provisions to the original bills were removed, the Board's main objection regarding the imposition of limitations on certain locally-funded services was not deleted. It is unknown at this time if the Governor will propose changes to the bills.

Several additional bills also were introduced that attempt to limit the public services or benefits available to either the foreign-born population or illegal immigrants working in the Commonwealth; all failed:

HJR597 (Parrish) would have provided information on the impact of foreign born students upon the school systems in the Northern Virginia region. Moreover, **HJR597** (Parrish) would have directed the Joint Legislative Audit and Review Commission to study the economic impact of Virginia's foreign-born population residing within Planning District 8. This study will build upon a prior JLARC study on the acclimation of Virginia's foreign-born population by focusing on the region with over two-thirds of the Commonwealth's foreign-born population.

HB1837 (Parrish) would have made it easier for a law-enforcement officer to arrest an illegal alien by eliminating the requirement that the officer confirm, prior to such arrest, whether the alien has previously been deported or left the United States after the conviction of a felony.

HB2056 (Byron) would have limited the benefits to which aliens not eligible for lawful employment may receive under the Workers' Compensation Act to medical benefits.

HB2910 (Gear) would have provided that persons who are unlawfully present in the country may not be admitted to any public institution of higher education in Virginia.

Land Use - Affordable Housing

HB2167 (Reese) and **SB1206** (Mims), as introduced, would have prohibited any locality from requesting or receiving contributions for affordable housing unless those contributions were made pursuant to an affordable housing program adopted under 15.2-2304 or 15.2-2305, the enabling statutes for affordable dwelling unit ordinances. The proponents of these bills stated that they were introduced in reaction to a recent decision of the Arlington County Circuit Court, that the bills simply codified the court decision, and that the bills would have had no effect on Fairfax County's long-standing practice of successfully negotiating contributions for affording housing through rezoning proffers. To quite the contrary, these bills, as introduced, would have stopped dead-in-the-water the County's ability to negotiate and accept affordable housing contributions in cases where the affordable dwelling unit ordinance would not apply. These bills were amended in such a manner that Fairfax County and other localities would have been able to continue to negotiate and accept rezoning proffers for affordable housing, as the County has been doing for many, many years, even before the County adopted the affordable dwelling unit ordinance. However, these amendments would not have allowed affordable housing contributions to be required as a condition of special exception approval, which would have adversely impacted Arlington County and the Cities of Alexandria and Falls Church. Ultimately, substitutes for each bill were stricken at the request of the patrons after the Arlington County Board of Supervisors agreed to withdraw its appeal pending before the Virginia Supreme Court of the circuit court decision which reportedly gave rise to the bills having been filed.

Land Use - Cash Proffers

HB2456 (Suit), as introduced, provided that no locality could seek or accept payment of a cash proffer prior to issuance of a building permit. Also, no locality could either request or accept a cash proffer that was scheduled to increase annually, from the time of proffer until tender of payment, by a percentage greater than the annual rate of inflation, as calculated by referring to the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics. After extensive opposition, the bill was amended to prohibit localities from requiring that cash proffers be paid prior to the issuance of the first building permit unless the rezoning applicant has proffered to an earlier payment. Localities may

continue to “seek” and accept proffers whereby cash proffers would be paid prior to the issuance of a building permit. In addition, future proffer payments may be indexed pursuant to the Marshall and Building Cost Index as well as the Consumer Price Index.

HB2888 (Lingamfelter) makes numerous changes to the existing law on the use of cash proffers by localities, including amendments that provide that any locality accepting a cash payment voluntarily proffered on or after July 1, 2005, pursuant to § 15.2-2298, 15.2-2303, or 15.2-2303.1 shall within seven years of receiving full payment of the last cash proffer to be paid pursuant to an approved rezoning, begin construction, engineering, surveying, right-of-way acquisition, site work, or cause construction to begin, of the improvements for which the cash payments were proffered. A locality that does not undertake one of these activities for an improvement for which the cash payments were proffered within seven years of receipt of the final proffered cash payment shall pay the amount of those proffered cash payments to the Commonwealth Transportation Board for allocation to the appropriate construction program. Unless prohibited by the proffer agreement accepted by the locality, following notice and a public hearing, a locality may utilize any proffered funds to construct other improvements within the locality similar to and in the vicinity of those for which the cash payments were proffered. Before doing so, the governing body, after the public hearing, must find: (i) the improvements for which the cash payments were proffered cannot be constructed in a timely manner; (ii) the alternative improvements are in the vicinity of the proposed improvements for which the cash payments were proffered; and (iii) the alternative improvements are in the public's interest. **HB2888** also requires, beginning in FY 2007, that the local capital improvement program includes the amount of all cash proffer payments received during the most recent fiscal year for which a cash proffer report was filed with the Commonwealth and that the annual capital budget include the amount of cash proffers projected to be expended or appropriated for capital improvements in the ensuing year.

Land Use - Board of Zoning Appeals Variances

HB2152 (Amundson), **HB2159** (Reese), and **SB1086** (Ticer), as introduced, would have dramatically changed long-standing law that has governed the standards and criteria for the review and approval of a zoning ordinance variance by a board of zoning appeals (BZA). The purpose of these bills was to loosen the criteria in Va. Code Section 15.2-2309 so that it would be easier to obtain a variance. Proponents believed that such a change was necessary in light of the Virginia Supreme Court decision in April 2004 in Cochran v. Fairfax County BZA, wherein the Supreme Court clearly restated the fairly stringent criteria that are to be satisfied before a variance may be approved.

Opposition to these bills, as introduced, was widespread among local governments and many citizens. Ultimately, proponents decided to abandon their attempts to revise the statutory standards and criteria for BZA variances set forth in Section 15.2-2309 and opted, instead, to amend existing provisions in Section 15.2-2286 whereby a zoning ordinance may allow a zoning administrator to grant modifications (formerly “variances”) to certain zoning ordinance requirements. As a result, identical substitutes were approved for these bills that do not amend the BZA variance criteria but that revise existing provisions regarding zoning administrator modifications to certain zoning ordinance requirements, where permitted by local ordinance.

Telecommunications - Taxation

Telecommunication representatives have continued to pursue tax simplification and rate reductions this year for the fast-changing industry; meetings with local government representatives continued during 2004 and resulted in legislation being introduced [**HB2880** (Nixon)/**SB1335** (O'Brien)] during this 2005 Session. For a number of reasons, including the complexity of the bills and the inclusion of local and State taxes and fees, the legislation as introduced was not successful and will be pursued again next year.

The Senate version (**SB1335**) was considered by the Commerce and Labor Committee after a number of pointed questions were directed at proponents of the bill regarding the State relay fee and taxation of satellite services. The bill was then left in Committee. The original House version of the legislation (**HB2880**) was never considered by the tax-adverse House Finance Committee; instead, the patron changed the bill into a directive for the Auditor of Public Accounts to continue reviewing and collecting data so that appropriate information will be available for consideration of any future allocation formula.

In summary, the bills as introduced would have changed current local and State telecommunication and video taxes and fees into a five percent statewide communications sales and use tax on such services.

The proposal would have deleted current local consumer utility taxes on “landline” and cell phones, the local landline E-911 fee, the Virginia relay fee for the hard-of-hearing, and the BPOL tax (only in certain localities with a rate above 0.5%), as well as replacing the local cable franchise fee. Included for “new” taxation would have been satellite and Voice over Internet Protocol (VoIP) services and a new right-of-way fee on cable similar to that currently imposed on telecommunications. The wireless E-911 fee would have remained unchanged, both in amount and distribution.

A statewide fund for distribution of the new State sales tax back to local governments would have been administered by the Virginia Department of Taxation; a distribution formula was included to keep individual localities “held harmless” to the 2004 revenues generated locally. It is expected that similar, if not identical, legislation will be introduced again by the industry during the 2006 Session.

Telecommunications - Video Franchising

Two bills [**HB2534** (Ingram)/**SB1337** (Stosch)] were introduced by Verizon to amend the State’s cable franchising laws. The bills were changed significantly from the original draft versions after considerable negotiations between Verizon and local government representatives. The basic purpose of the legislation would have been to allow certificated telecommunications and utility companies to provide cable TV without having to obtain a local cable franchise when the action would create competition in the local cable market.

Despite the inclusion of a number of changes to the bills to make the legislation more palatable to local governments, the bills were tabled by the respective House and Senate Commerce and Labor Committees after fierce opposition by the cable industry and some local governments. In the final consideration of the bill by the Senate committee, the proposal was changed to amend only the current standard applied to grants of competing franchises; the purpose of this amendment was to allow competition without requiring competing franchises to “match” all terms and conditions of the incumbent.

Because the Senate and House committees viewed the proposals as significant changes to current public policy, it was determined that the issues needed more in-depth study in the coming year. The utilities subcommittee of House Commerce and Labor was asked to accomplish this on the House side, and the Chairman on the Senate side also signaled that the issue would be studied there as well. Local governments need to be involved in any such study or negotiations as interest of both Verizon and the cable industry will be high.

Telecommunications - Voice over Internet Protocol (VoIP)

Legislation, separate from the telecommunications tax reform legislation, was introduced by Delegate Marshall (**HB1804**) regarding Voice over Internet Protocol (VoIP). The legislation, which was not reviewed by local governments prior to introduction, would have exempted VoIP technology from oversight by the State Corporation Commission (SCC). The consequences of the bill, not immediately understood, were ultimately opposed by local governments for several reasons, including the lack of SCC oversight (currently present for certificated telecommunications providers) and the potential fiscal impact if local E-911 or consumer utility taxes were preempted or prohibited.

HB1804 was left in the Senate Commerce and Labor Committee after no motion was forthcoming to report the bill. Several days later Delegate Marshall then successfully attached a Floor Substitute onto an unrelated bill (**SB1159**) pertaining to the powers of the Wireless E-911 Board. The Floor Substitute, which was accepted by the House, expanded the domain of the Wireless Board to include wireless VoIP. Other provisions were less clear and were immediately questioned by local governments; the Floor Substitute was opposed as a significant policy change which should not be adopted as “last minute” legislation. The Senate then rejected the House Floor Substitute and a motion by the House to recede from the Substitute was accepted on an 83-8 vote.

Transportation Revenue Bills

A total of 17 transportation funding bills were introduced this session. Most of them were introduced by Northern Virginia legislators. Several of them were part of the “Sensible Solutions” Transportation Initiative proposed by the House Republicans. A variety of different revenue sources were proposed. Most of the revenue bills that were not part of the “Sensible Solutions” Transportation Initiative were

passed by indefinitely or tabled by the House Finance Committee or the House Appropriations Committee.

HB1525 (Frederick), **HB2099** (Hugo) and **HB2771** (Callahan) each would have used a portion of the automobile insurance license taxes for transportation. **HB2099** would have used one third of these funds to support the sale of bonds to transportation projects. **HB2771** originally would have allocated 1/3 of the automobile license taxes to transportation and would have distributed them based on population. This bill was ultimately changed to incorporate much of the “Sensible Solutions” Transportation Initiative with funds being distributed based on the current allocation formulas. It was the subject of a conference committee made of up the budget conferees. **HB1815** (Marshall) would have dedicated ½ of the automobile insurance license taxes to expedite transportation projects within two years on completion. It was tabled by the House Appropriations Committee.

HB1563 (Rust) and **HB1564** (Albo) would have implemented new fines on frequent traffic violators for excessive speeding, driving while license is suspended, reckless and aggressive driving and DUI. The funds would have been used to support bonds for transportation projects. **HB2630** (Albo) was similar, but would also increase the demerit points for speeding. The first \$40 million generated would be dedicated to a Local Congestion Mitigation fund. The bill would also increase the current revenue sharing program from \$15 million to \$50 million. All of these bills were combined into **HB1563** which failed to report from the Senate Finance Committee.

HB1610 (Cole) would have increased the current ½ cent sales tax for transportation to ¾ cents. **HB1650** (Orrock) would have dedicated the State budget surplus after deposits to the Revenue Stabilization Fund and the Water Quality Fund to the Transportation Trust Fund. **HB1610** was left in the House Appropriations Committee, and **HB1650** was tabled by the same committee.

HB2160 (Reese) would have allocated 20 percent of the annual growth in income tax and sales tax revenue generated in Northern Virginia and Hampton Roads back to those regions for transportation purposes. This bill was tabled by the House Appropriations Committee.

HB2292 (Lingamfelter) would have dedicated additional recordation tax income to the Transportation Trust Fund. This bill was tabled by the House Appropriations Committee.

HB2356 (Watts) would have increased State motor fuels taxes by 7.5 cents (to 25 cents per gallon for gasoline). It also would have added indexing and increased the motor carrier registration from \$100 to \$150. **HB2705** (Sickles) would have increased State motor fuels taxes by 7 cents (to 24.5 cents per gallon for gasoline) on the January 1 following the adoption of a constitutional amendment protecting the Transportation Trust Fund. **HB2432** (Hamilton) would have indexed the rate of motor fuels every two years, based on the percent change in the Consumer Price Index. All three bills were tabled by the House Finance Committee.

HB2596 (May) would have dedicated \$2 of the fee charged by DMV for information requests and a portion of the tax on motor vehicle rentals to a Rail Enhancement Fund.

SB1099 (Whipple) would have increased the Northern Virginia gas tax from two percent to four percent. This bill passed the Senate, but it was tabled by the House Finance Committee.

SB1325 (Chichester) would have dedicated all revenues from the insurance license tax to the Priority Transportation Fund beginning in FY 2007. It was incorporated into **SB1324** (Saslaw).

Transportation Allocation Legislation

Ten bills were introduced to change the transportation allocations formulas. All but one was introduced by Northern Virginia legislators. None of the House bills was successful.

Three of the bills were introduced by Del Rust, **HB2224**, **HB2226** and **HB2322**. **HB2224** would have the JLARC recommendations for revising the construction and maintenance allocation systems. **HB2226** would have changed the urban and secondary highway funding formulas; funding would be allocated based on area (15%), vehicles miles traveled (25%) and population (60%). **HB2322** would have allocated primary highway funding based on vehicle miles traveled divided by lane mile.

HB2355 (Watts)/**HB2929** (Hugo) would have located primary highway funds between construction districts based on vehicle miles traveled divided by lane mile (90%) and need (10%).

HB2330 (Athey) would have expanded the current VDOT revenue sharing program from \$15 million per year to \$100 million per year and allowed cities and towns to participate in the program. **SB993** (Devolites-Davis) was very similar.

HB2736 (Reid)/**SB1325** (Chichester) would have established the Local Partnership Fund, the Rail Partnership Fund, and the Private Partnership Fund. These bills reflected the original Governor's Transportation Plan. **HB2736** has been incorporated into **HB2771**, and **SB1325** has been incorporated into **SB1324**. Both **HB2771** and **SB1324** were subject to a conference committee made up of the budget conferees.

HB2847 (Scott) would have increased the transit share of the Transportation Trust Fund from 14.7% to 19.0%, and reduced the highway share of the TTF.

Water Quality Improvement Legislation

HB2777 (Louderback) and **SB1235** (Quayle) were introduced to establish a framework for the distribution of State general fund money to be deposited into the Water Quality Improvement Fund to help finance costs of design and installation of biological nutrient removal facilities and technology at publicly owned sewage systems. The House and Senate versions went through various amendments and continued to differ as to the varying ranges of percentage of reimbursement that would be available and to the factors to be used to prioritize among grant recipients. The two amended versions also varied significantly in that the Senate version included only a one-year \$50 million grant to the WQIF. The House version matched that in the first year and committed to grant an additional \$50 million per year through 2015.

Generally speaking, the version that initially passed the House was much more favorable to Fairfax County than was the Senate version. As of Saturday evening, when this portion of this report was written, both bills were in conference. The main issue left to be resolved was whether the Code of Virginia would include a commitment to fund the WQIF for more than one year. Both bills also would amend the current formula whereby 10 percent of any general fund surplus and 10 percent of any unreserved general fund balance is to be distributed from the WQIF. Under the bills, any such surplus funds would be distributed 70 percent to nonpoint sources, with a preference for agriculture, and 30 percent to point sources. Currently, any such trends are generally distributed equally between nonpoint and point resources.

STATE BUDGET

Two sticking points to achieving a rapid budget compromise this session initially were transportation funding and funding for the accelerated sales tax. Unlike last year, when budget talks failed to achieve a compromise by the planned end-of-session date, negotiators in the 2005 General Assembly were separated by “only” several hundred million dollars in the \$63 million budget versus several billion dollars in the spring of 2004. As all legislators recall, the 2004 sixty day Session dragged on to an unprecedented 115 days before a budget was agreed upon; during this Session, there was no desire for a repeat performance.

However, despite strong initial differences in opinion between the Senate and the House as to how and when to fund transportation, a compromise was achieved on this, as well as on several other big-ticket items such as pay raises for State employees. Budget talks then were reportedly stalled over smaller items such as local cultural attractions, clean-up of the Chesapeake Bay, a Rockbridge horse center, a Capitol Square tunnel and several other items. As the House maintained a sharp eye on the November 2005 elections, the Senate appeared resolved to not building long-term commitments into the budget base from the purported “surplus funds” that may not be available in the future.

After the House/Senate budget conference agreement was achieved in the wee hours of Saturday morning, the respective houses met on mid-day Saturday and agreed to extend the deadline for completing the budget conference and also extended the Session by one day, to Sunday, February 27. Briefings on the budget were scheduled by both houses for Sunday morning. This was the third time in five years that the GA deadline was extended.

Following is a brief summary of several key budget issues as agreed upon by the House and Senate. A more detailed analysis of the State budget will be provided in the Final Report:

Assisted Living/Auxiliary Grants

Auxiliary Grants (AG) provide support for the poorest residents of Assisted Living Facilities (ALF). The Board (and other advocates) had prompted the need for a doubling in the State's Auxiliary Grant rate. In Northern Virginia, that action might have resulted in a change from what was then \$1024/month (the rate through December 2004) to over \$2000/month. On average, the monthly cost to ALF for each resident is about \$2,500-\$3,000/month.

The Governor disappointed advocates by proposing an increase of only \$34 in State general funds per month. A host of budget amendments were introduced to increase that rate. The House, however, chose to reduce the Governor's proposed addition of \$34/month in the GF portion of the total AG payment, which is set by the State. A major part of the AG payment is made using the individual's monthly federal Social Security Income (SSI) payment. The Senate proposed to add an additional \$35, raising the increase in GF contribution to \$70/month. An SSI increase implemented in January 2005 raised the current AG payment Northern Virginia to \$1045. The Senate's recommendation would increase that payment to \$1105. The Conferees made no change to the Governor's introduced budget in regard to Auxiliary Grant rates. The result is an increase in \$34 GF contribution toward the total rate.

Education

The Governor's introduced budget provided a slight increase in education funding to the County, above the sizable infusion of dollars channeled in the biennium budget to school divisions statewide resulting from spring 2004 actions of the General Assembly providing additional revenues to “catch up” K-12 education to a more “adequate” level of State SOQ funding. The House/Senate budget essentially maintained the status quo, with a slight increase due to the redirection of lottery funds to basic aid. Education funds in the next biennium budget will need to maintain this funding, as well as increase reimbursements annually to reflect the actual costs incurred at the local level to fund K-12 education. Otherwise, slippage will occur and the cycle of underfunding the State's share will repeat itself again.

Medicaid

The Governor's introduced budget proposed to dedicate portions of the Tobacco Settlement Agreement funds to provide for increases in the rates of obstetricians and dentists. The responses of the two houses to these and other Medicaid rate increases (for hospitals, nursing homes, dentists, physicians, etc.) were quite different. While the Senate seemed willing to provide for rate increases even above those contained within the Governor's proposed budget and within FY 2006, the House deferred many of the Governor's increases under the presumption that insufficient funds would be gained this year to cover those expenses. The House preferred to allow for increases only after any additional funds were in hand, and then appropriated during the next General Assembly Session.

Ultimately, Medicaid rate increases will be seen in a number of critical service areas. Beginning in May, 2005, dental (30% over current rates), mental retardation and development disabilities waiver services (5%), pediatric services (5%), primary care services (5%), personal and adult day care services under Medicaid waivers (2%), Ob/Gyn services (2.5% - this adds to the 34% increased in September 2004), emergency room physician services (3%), and pharmacy dispensing fees (from \$3.75 to \$4 per prescription). In addition, hospitals will see the rates increase by an additional 1% on July 1, 2005, and the 14 trauma centers will receive additional funds.

Salaries

Included in the conference report were FY 2006 compensation increases for State employees (3%, plus \$50 per year of service above five or more years to address salary compression), State-supported local employees (3% and 1.4% equivalent for classified) and a 3% raise for teacher salaries. The teacher and State-supported local employees' adjustments are funded by the State on December 1, 2005 -- this deferred date has become a commonplace practice by the State, despite the fact that localities fund a full year's salary increase for such employees.

Transportation

The General Assembly approved \$848.1 million in new transportation spending as part of the budget. This amount includes \$347.6 million in State General Funds which are a repayment of funds previously borrowed from the Transportation Trust Fund with interest and \$500.5 in non-General Funds. Most of the non-General Funds are unanticipated State and federal transportation revenues. Approximately \$180.0 million of the amount is recurring.

The largest use of these new transportation revenues is \$256.4 million to pay off past project deficits. Of this amount approximately \$15 million is for projects in Fairfax County. The budget also includes \$141.1 million in additional funds for the Transportation Trust Fund that will be allocated by formula; \$107.6 million to pay off Federal Revenue Anticipation Note (FRAN) debt service; \$97.4 million for additional bridge and roadway maintenance; \$75.0 million in transit earmarks (\$40.0 million for Washington Metropolitan Area Transit Authority, \$20.0 million for the Virginia Railway Express, \$10.0 million for a bus rapid transit project in Virginia Beach and \$5 million for a statewide bus purchase); \$75.0 million for revenue sharing and local partnerships; \$50 million for public-private partnerships; \$23.2 million for a statewide Rail Fund, \$20.0 million to upgrade welcome centers and rest areas and \$2.4 million to upgrade the Department of Motor Vehicles computer system.

The attached table shows the anticipated impacts on Fairfax County and a comparison with the Governor's budget, as well as the original House of Delegates and Senate budgets. The approved budget contains \$24 million more than the Governor's original proposal which was apparently an important point for the House of Delegates. The approved budget is nearly \$200 million less than the House of Delegates approved, partially because the Senate was unwilling to agree to the "abuser" fees that the House approved. These fees would have been generated through fines on frequent violators of various traffic laws, such as excessive speeding, driving under the influence, reckless or aggressive driving, and driving with a suspended license. The Senate was also unwilling to use of portion of the new funding to support new transportation bonds, as was proposed by the House of Delegates.

It has been noted repeatedly throughout the General Assembly session by members of both the House and Senate, that the transportation funding packages proposed this year are only intended to be a temporary boost to the State's transportation program. A much larger and more long-term solution to the State's transportation funding problems will need to be developed in the future.

Water Quality Improvement Fund

Published reports indicate that the conference report contains only a single appropriation of \$50 million toward meeting the goals of cleaning up the Chesapeake Bay. The House had wanted to promise a ten year effort, but without a revenue source, the Senate would not agree to such a long term commitment.

Other Items of Interest

Funding for non-State agencies continues to be an annual item for dissention between the House and Senate in the budget discussions, and this was repeated again in this House election year. The House tends to fund these projects at a higher level and the Senate tends to be more conservative. Several organizations in Fairfax County and the region are set to receive funding, including the Northern Virginia Park Authority (\$100,000), the Reston Arts Center (\$125,000), the Wolf Trap Foundation for Performing Arts (\$1.5 million), and the Cold War Museum (\$125,000). These earmarks are spread throughout the State, and the total allocated in the budget statewide is slightly over \$30 million.

2005 State Budget
Comparison of Transportation Funding – Revenue
2005 General Assembly Session

<u>Funding Sources</u>	Governor (In Millions)	House (In Millions)	Senate (In Millions)	Approved (In Millions)
General Funds (Repayment to TTF)	\$374.0	\$202.6	\$196.0	347.6
1/3 Insurance Premiums		\$264.9		
Growth in Federal & State Revenues	\$450.0	\$427.0	\$473.6	
Abuser Fees		\$100.0		
Sales Tax on Rental Cars (3%)		\$23.2		
Increased Fee for DMV Records (\$2)		\$10.0		
Unspecified Non-General Funds				500.5
TOTAL	\$824.0	\$1,027.7	\$669.6	\$848.1

The “Unspecified Non-General Funds” are primarily growth in Federal and State transportation revenues. However, the exact amount of these revenues and any other sources used is not available at this time.

2005 State Budget
Comparison of Transportation Funding Allocation
2005 General Assembly Session

<u>Funding Allocation</u>	<u>Governor (In Millions)</u>	<u>Est. Fairfax County Impact</u>	<u>House (In Millions)</u>	<u>Est. Fairfax County Impact</u>	<u>Senate (In Millions)</u>	<u>Est. Fairfax County Impact</u>	<u>Approved (In Millions)</u>	<u>Est. Fairfax County Impact</u>
Transportation Trust Fund								
Aviation	\$3.5		\$12.8		\$3.6		\$3.4	
Transit	\$21.6		\$78.4		\$22.1		\$20.7	
Highways	\$115.7		\$419.5		\$118.1		\$111.0	
Ports	<u>\$6.2</u>		<u>\$22.4</u>		<u>\$6.3</u>		<u>\$5.9</u>	
Subtotal	\$147.0	Approx. \$20 M	\$533.1	Approx. \$72 M	\$150.1	Approx. \$20 M	\$141.1	Approx. \$19 M
Priority Transit Projects								
- Metrorail cars	\$40.0	Approx. \$20 M	\$40.0	Approx. \$20 M	\$45.0	Approx. \$22 M	\$40.0	Approx. \$20 M
- VRE rail cars	\$20.0	Approx. \$ 9 M	\$20.0	Approx. \$ 9 M	\$25.0	Approx. \$11 M	\$20.0	Approx. \$ 9 M
- Virginia Beach BRT	\$10.0		\$10.0		\$15.0		\$10.0	
- Statewide Bus Purchase	<u>\$10.0</u>	Unknown	<u>\$0.0</u>		\$15.0	Unknown	<u>\$5.0</u>	Unknown
Subtotal	\$80.0		\$70.0		\$100.0		\$75.0	
Project Deficits	\$256.4	Approx. \$15 M	\$256.4	Approx. \$15 M	\$256.4	Approx. \$15 M	\$256.4	Approx. \$15 M
Public-Private Partnerships	\$140.0	Unknown	\$40.0	Unknown			\$50.0	Unknown
Rail Partnerships	\$23.0	Unknown	\$33.2	Unknown	\$25.7	Unknown	\$23.2	Unknown
Local Partnerships and Revenue Sharing	\$80.0	Unknown			\$40.0	Unknown	\$75.0	Unknown
Bridge and Maintenance	\$97.4	Unknown			\$97.4	Unknown	\$97.4	Unknown
Local Congestion Management Fund			\$60.0	Unknown				
Revenue Sharing Program (New Money)			\$35.0	Up to \$2M				
Rest Areas and Welcome Centers							\$20.0	
DMV Computer System							\$2.4	
FRAN Debt Service							107.6	
TOTAL	\$823.8		\$1,027.7		\$669.6		\$848.1	

**Conference Changes to Governor's Budget Amendments for the 2004-2006 Biennium
(HB 1500 / SB 700)**

COUNTY GENERAL FUND

Issue	FY 2006 Fairfax County Impact
General Government	
<p>ABC Profits and Wine Taxes (Department of Accounts)</p> <p>Governor's Budget: Continues the freeze on ABC distributions to localities at the FY 2004 level. ABC profits are anticipated to increase but will be kept by the State.</p> <p>House and Senate: No changes</p> <p>Conference: Same as Governor's amended budget</p>	<p>No change in Fairfax County's receipts.</p>
<p>Employee Compensation</p> <p>State-Supported Employees: Governor's Budget: Adds \$12.8 million for a 3 percent raise for State-supported employees (constitutional officers; local social services, election board employees, health, juvenile justice and community services board employees) effective December 1, 2005. This is the same rate as FY 2005.</p> <p>House: No additional funds provided.</p> <p>Senate: Adds \$13.8 million for an additional 1 percent resulting in a 4 percent raise effective December 1, 2005.</p> <p>Conference: For all Constitutional Officers and their employees, and non-sworn staff in sheriffs' offices a 4.4 percent increase. Sheriffs and their sworn staff, a 3.0 percent increase.</p>	<p>Increase in funding represents an increase of \$0.5 million in FY 2006 over the FY 2005 level.</p> <p>An additional \$0.1 million in FY 2006.</p> <p>Additional net funding of \$0.3 million over the <u>FY 2006 Advertised Budget Plan</u>, which assumed a 2 percent increase in salaries.</p>
<p>State Employees: Governor's Budget: Adds \$28.5 million for a 3 percent raise for State employees effective November 25, 2005.</p> <p>House: Adds \$14.8 million to provide full-time salaried state employees an additional \$50 for each full year of state service.</p> <p>Senate: Adds \$13.8 million for an additional 1 percent resulting in a 4 percent raise for state employees effective November 25, 2005.</p> <p>Conference: Adds \$16.1 million for a 3.0 percent across-the-board increase and \$50 per year of service for most state employees with more than five years of state service, as a compensation factor, effective November 25, 2005.</p>	<p>No Fairfax County impact</p> <p>No Fairfax County impact</p> <p>No Fairfax County impact</p> <p>No direct Fairfax County impact. State employees, such as Magistrates and Court employee paid directly by the state will receive the increase in pay.</p>
<p>Governor's Budget: Adds \$32.6 million to cover the general fund's share of employee health insurance premium increases for state employees.</p> <p>House: Adds \$1.1 million for state retiree health credit based on HB 1626.</p> <p>Conference: Same as Governor's amended budget.</p>	<p>No Fairfax County impact</p>

Library	
<p>Fairfax County Public Library</p> <p>Governor's Budget: Adds funds to correct inequity in Virginia's library funding formula for library systems serving populations greater than 600,000 and provides \$175,000 to offset extraordinary costs for Norfolk Public Library related to recent storm damage. The Fairfax County Public Library is the only system in the state that serves more than 600,000 people. A bill will be introduced to include Fairfax County in the formula for future years.</p> <p>Senate: Eliminates Governor's funding for Fairfax and Norfolk public libraries, however a companion amendment increases funding for all libraries based on current formula. SB 2699, which would have increase the funding formula based on the Governor's amendment, was tabled in committee.</p> <p>Conference: Funds additional \$89,000 to supplement the state formula for Fairfax County and did not fund the \$175,000 supplement for Norfolk Public Library. In addition, funds of \$300,000 were added to partially restore prior reduction to all public libraries.</p>	<p>Staff anticipates \$89,600 in FY 2006.</p> <p>Would have eliminated \$89,600, but increase funding in current formula which would result in a smaller increase for Fairfax County.</p> <p>Fairfax County will receive an additional \$89,000 in FY 2006.</p>
Public Safety	
<p>State Aid to Localities with Police Departments (HB 599)</p> <p>Governor's Budget: Adds \$4.2 million statewide due to State revenue growth.</p> <p>House and Senate: No changes</p> <p>Conference: No changes</p>	<p>Based on State estimates, staff anticipates an increase of \$0.6 million over previous State FY 2006 figures.</p>
<p>Increase Alternative Sanctions Funding</p> <p>Governor's Budget: Includes \$1.2 million to add alternative sanctions (other than jail) for technical probation and parole violators to increase the availability of space in facilities. Alternatives include home electronic monitoring and two additional day reporting centers to be determined after review of treatment services at current day reporting centers.</p> <p>House and Senate: No changes</p> <p>Conference: Same as Governor's amended budget.</p>	<p>Unknown</p>
<p>Jail per Diem Payments</p> <p>Governor's Budget: Reduces per diem payments (not rate) to local and regional jails by \$1.56 million in FY 2005 based only upon actual FY 2005 first quarter data and the inmate population forecast.</p> <p>House: Removes the proposed \$1.6 million increase in jail per diem spending for FY 2006 pending completion of actual inmate population counts through first quarter of FY 2006.</p> <p>Conference: Accepts House recommendation for FY 2006 which holds funding level with FY 2005.</p>	<p>Staff anticipates no reduction based on current inmate population.</p> <p>Per diem payments will be made based on actual inmate population.</p>

Probation/Parole Violators Senate: Language amendment directs the Secretary of Public Safety to work closely with Sheriffs and regional jail administrators to develop less costly, minimum security facilities for housing probation and parole violators who are at low-risk for repeat offenders.	No Fairfax County impact
Fire Programs Governor's Budget: Increases nongeneral funds by \$2.0 million to reflect increased revenue collections from homeowner's insurance policies. This funding is distributed to communities to help pay for the needs of their fire departments. Senate: Reduces \$1 million to adjust General Fund match for Federal Staffing for Adequate Firefighters and Emergency Response (SAFER) matching Grant Fund. Conference: Accepts Senate recommendation for FY 2006.	Unknown Unknown Unknown
Health and Human Services	
Comprehensive Services Act (CSA) Governor's Budget: No changes to the budgeted amount in either year. Study of parents' relinquishment of custody to obtain services is extended into the next fiscal year, with report due to money committees and Joint Commission on Health Care by Oct 2005. House and Senate: No changes Conference: Same as Governor's amended budget.	Study will have potential improvement in access for at risk youth.
Mental Health, Mental Retardation and Substance Abuse Services Governor's Budget: Adds \$500,000 for Mental Health services for children & adolescents with serious emotional disturbances who are NOT mandated for services under CSA. House: Adds \$2.9 million to GF in FY 2006 for 4 additional community crisis stabilization units to avert more costly hospital placements. Language is added specifying the areas where the units will be established -- Northern Virginia, the Shenandoah Valley, the Roanoke Valley, Southside Virginia, the Upper Peninsula of Hampton Roads, and South Hampton Roads. Senate: Adds \$2.2 million GF (FY 2006) to establish six crisis stabilization programs in areas of the Commonwealth experiencing severe shortages of available inpatient treatment beds. The introduced budget included \$1.1 million for two locations. Senate: Adds \$500,000 (FY 2005) and \$1.0 million (FY 2006) for substance abuse treatment services for 800 consumers, including adolescents and pregnant women. Conference: Adds \$2.75 million GF (FY 2006) to add seven community-based, crisis stabilization/intervention programs to address concerns related to TDO. One center will be located in Northern Virginia. Adds \$500,000 GF in both FY 2005 & FY 2006 to preserve access to SA services for adolescents & pregnant women. Adds \$1 million GF (FY 2006) to create 2 community-based "systems of care" models to serve adolescents with mental & behavior health needs. Locations are not designated.	Improved access to services. Intended to improve Temporary Detention Order (DTO) services; reduce stress on inpatient hospitalizations. Intended to improve DTO services; reduce stress on inpatient hospitalizations. Additional funding for services. Improved DTO services with the Crisis Center; reduce stress on inpatient hospitalizations. Additional funding for services.

<p>Aging and Long Term Care Services</p> <p>Governor's Budget: Adds \$2.3 million to raise the assisted living facilities rate by \$50 per month – about 5 percent (from \$1,028 to \$1,078 per month in Northern Virginia).</p> <p>House: Deducts the \$34 from the Governor's proposed \$50 increase. Net result is \$16/month increase that will occur due to increases in SSI payments for most Auxiliary Grant recipients.</p> <p>Senate: Adds an additional \$35/month to the Governor's increase, totally \$85/month over current Auxiliary Grant - just under 10 percent.</p> <p>Conference: No change to Governor's budget; increases total monthly Auxiliary Grant by \$50/month (\$16 already added; \$34 added on July 1, 2005).</p> <p>Senate: Provides \$250,000 GF in FY 2006 for the Birmingham Green construction of new Assisted Living Facility.</p> <p>Conference: Provides \$250,000 GF in FY 2006 for Birmingham Green.</p> <p>Governor's Budget: Adds \$0.5 million to improve oversight of adult care facilities by adding 11 more adult licensure inspectors.</p> <p>Senate: Redirects the \$150,000 added in the Governor's budget for 3 guardianship programs to target adults with mental illness or mental retardation.</p> <p>Conference: Maintains the added \$150,000; reduces the funds designated to this service for adults with mental illness / mental retardation to \$132,000.</p>	<p>No direct service impact; there is a fiscal impact since a local 20 percent match is required.</p> <p>No increase in local match since no increase in GF portion of the Auxiliary Grant.</p> <p>Proportional increase in local match.</p> <p>No direct impact</p>
<p>Medicaid</p> <p>Governor's Budget: Adds \$3.3 million (GF) and \$6.2 million (NGF) to increase the eligibility limits for pregnant women from 133 percent to 175 percent of federal poverty level; emergency regulations upon enactment of HB 1500 / SB 700.</p> <p>Conference: Under FAMIS, expands services to include women over 19 and up to 150 percent of poverty for prenatal pregnancy & 60 days of post-partum care.</p> <p>House: Removes revenues expected from the Tobacco Settlement for deposit into the new Virginia Health Care Fund (created in 2004) and used to fund certain Medicaid rate increases last year. Language ties any Settlement funds to be used for rate increases for (i) physicians providing primary, pediatric and emergency care; (ii) other physician services, for which access by Medicaid and FAMIS recipients has been severely restricted or limited; (iii) dentists; (iv) personal care providers; (v) adult day health care providers; (vi) providers of mental retardation home- and community-based waiver services; (vii) hospitals with trauma centers; and (viii) pharmacy dispensing fees, as authorized in HB 2918 (Hugo; passed House).</p> <p>Note: Rate increase could be considered in preparation of 2006-2008 budget and FY2006 "caboose budget".</p> <p>Senate: Adds revenue to the Va Health Care Fund based on SB 1332 (Puckett; passed Senate). Increases the rate for dental services by 30 percent over the current rate; increases OB service rates by 10 percent; pediatric service rates by 5 percent; personal care service rates by 10 percent; and nursing facility services.</p>	<p>Increased access to Medicaid reimbursement for prenatal services.</p> <p>No improvement in reimbursement rates.</p> <p>Increased access to Medicaid reimbursement for the named services.</p>

<p>Conference: Includes \$8.6 million from GF & \$3.2 million from anticipated NGF revenues. Rate increases effective May 1, 2006: (i) emergency room physician services at three percent, bringing the total rate increase to five percent by the end of fiscal year 2006; (ii) personal care and adult day health care at two percent, bringing the total rate increase to seven percent by the end of fiscal year 2006; (iii) pharmacists, resulting in a \$4.00 dispensing fee per prescription per month for brand name and generic drugs by the end of fiscal year 2006; (iv) obstetrical and gynecological services, resulting in a 36.5 percent increase by the end of fiscal year 2006; (v) pediatric services, resulting in an increase of five percent; and (vi) preventive and primary care services for adults, resulting in a five percent increase. It is the intent to provide proper allocation of funding for expenditures that will be incurred within the Family Access to Medical Insurance Security (FAMIS) program, the Medicaid State Children's Health Insurance Program (SCHIP) and the Medicaid program for those services provided by each program.</p> <p>Governor's Budget: Increases reimbursement rates for dental care services (\$2.8 million), MH/MR case management rates to CSB (\$9.3 million) and provides lifetime benefit of \$4,000 per person covered by Community Based Waiver for individuals transitioning from facilities to communities (Olmstead related).</p> <p>Conference: Includes \$5 million GF and \$5.8 million in NGF (FY 2006). Rates will increase by 18 percent on July 1, 2005 and an additional 2 percent on May 1, 2006. Funding to transition individuals from facilities is eliminated.</p> <p>House: Strikes the Community Based Waiver language and removes the funding intended to facilitate transitioning from facilities to communities homes.</p> <p>Conference: Provides \$3.3 million GF and \$3.3 million NGF (FY 2006) for an additional 2 percent increase for services provided through the Mental Retardation and Developmental Disabilities waiver programs effective July 1, 2005. Last year, the General Assembly approved a three percent rate increase for these waiver services; this additional funding will provide a five percent on July 1, 2005.</p> <p>Governor's Budget: Adds \$1.3 million for Mental Retardation Waiver "start-up" assistance to establish new community services, such as group homes.</p> <p>Conference: No changes</p>	<p>Increase access to Medicaid reimbursement for the named services that the County provides.</p> <p>Increased Medicaid reimbursements for County-provided services.</p> <p>This action would not impact personal care rates provided under these waivers since these rates are adjusted when the personal care rates are adjusted.</p> <p>Unknown</p>
<p>Health</p>	
<p>Governor's Budget: Adds \$1.0 million to improve access to local dental services for children and low-income adults.</p> <p>Senate: Uses increases in Governor budget to provide match to federal funding for increased Medicaid payment rate.</p> <p>Conference: No changes. Added funds are moved to help support Medicaid rate increases.</p>	<p>Unknown</p> <p>Improved Medicaid rate for dental services for children.</p>

<p>Mental Health</p> <p>Governor's Budget: Adds \$5.5 million to offset shortfall in resources for anti-psychotic medications, early intervention services and short-term inpatient treatments at local community hospitals.</p> <p>House and Senate: No changes Conference: Same as Governor's amended budget.</p>	<p>Increases access to medications and improves services.</p>
<p>Social Services</p> <p>Governor's Budget: Adds General Fund (GF) support for the increasing Temporary Assistance for Needy Families (TANF) cash assistance and Virginia Initiative for Employment not Welfare (VIEW) childcare shortfall: GF will supplant existing TANF being spent on at risk childcare; frees TANF dollars at a two-to-one rate to support mandated activities without reducing support for optional programs funded with TANF; also meets projected supplemental child support payments (FY 2005: \$2.0 million (GF) \$20.6 million (NGF); FY 2006: \$7.4 million (GF) \$12.8 million (NGF).</p> <p>Conference: No funding level changes. However, DSS is authorized to implement six pilot projects to identify and serve TANF recipients who may be victims of domestic violence. Other language allows DSS to provide additional federal funding for the TANF child support supplement in event TANF funding becomes available.</p> <p>Conference: Adds \$500,000 (FY2006) to offset losses to Healthy Families programs from delays in Title IV-E payments and changes in eligibility rules.</p> <p>Senate: Adds \$3 million GF in FY 2006 to enhance funding for child welfare services pursuant to the federally-required performance improvement plan.</p> <p>Conference: Adds \$855,000 GF (FY 2006) for PIP, and includes language to specify how these funds and \$2.7 million GF from the introduced budget shall be used to meet the plan's requirements. Including federal Title IV-E matching funding of \$1.0 million and local matching funds of \$901,227, the combined annual funding for the plan will approximate \$5.5 million in total funds each year and will allow local departments of social services to improve the quality and quantity of face-to-face interactions between caseworkers, parents and children.</p>	<p>Continues support for mandated services.</p> <p>Some funding for potential losses to the County's Healthy Families program.</p> <p>Some additional support for activities to comply with the required PIP plan.</p>
<p>Other State Funding</p>	
<p>Revenue Stabilization Fund (Rainy Day Fund)</p> <p>Governor's Budget: Adds \$229.4 million including a Super Deposit of \$134.5 million to restore the balance of the Fund to more than \$800 million by the end of FY 2008.</p> <p>House and Senate: No changes Conference: Same as Governor's amended budget.</p>	<p>No direct impact</p>

<p>Sales Tax on Food</p> <p>Governor's Budget: Proposed legislation to complete the planned reduction in the State sales tax on food by 1.5 percent on July 1, 2005 rather than phasing the cut over three years. The impact of this change is a reduction of \$99.1 million in FY 2006 and a reduction of \$57.7 million in FY 2007. The local option sales tax and the education penny are not impacted by this proposal.</p> <p>House and Senate: Endorsed the full phase-out on July 1, 2005 and the accelerated sales tax payment made by retailers.</p> <p>Conference: Approves House and Senate changes.</p>	<p>No direct impact</p>
<p>Federal Working Families Tax Relief Act of 2004 and the American Jobs Creation Act of 2004.</p> <p>Governor's Budget: Proposed legislation passes on federal tax benefits to Virginia business and individuals. Impact is a state revenue reduction of \$9.4 million in FY 2005 and an increase of \$2.7 million in FY 2006.</p> <p>House and Senate: No changes</p> <p>Conference: Same as Governor's amended budget.</p>	<p>No direct impact</p>
<p>Technology - E-911 Funds</p> <p>Governor's Budget: Transfers \$800,000 of NGF revenue from the Emergency Communications Systems Management and Direction in FY 2006 to update Virginia's aerial photography database.</p> <p>House and Senate: No changes</p> <p>Conference: Same as Governor's amended budget.</p>	<p>No direct impact</p>
<p>Natural Resources</p> <p>Governor's Budget: Adds \$16.2 million to the Virginia Quality Improvement Fund for point source pollutions control, specifically to fund up to 50 percent of the cost of the design and installation of biological nutrient reduction technology.</p> <p>House and Senate: No changes</p> <p>Conference: Same as Governor's amended budget.</p> <p>Governor's Budget: Adds \$1.3 million to repay the treasury loan used to provide Litter Control and Recycling Fund formula grants to localities in FY 2005.</p> <p>House and Senate: No changes</p> <p>Conference: No changes</p>	<p>Unknown</p> <p>Unknown</p>
<p>Water Quality Improvement Fund (WQIF)</p> <p>House: Provides \$50 million in FY 2006 for grants to publicly-owned wastewater treatment facilities to finance the costs of design and installation on nutrient removal facilities.</p> <p>Senate: Provides \$57 million in FY 2005.</p> <p>Conference: Provides \$50 million in FY 2006 for use in providing grants to publicly owned wastewater treatment plans, as required by HB 2777 and SBs 810 & 1235.</p>	<p>These grants will support the costs of improving the nutrient capabilities of the wastewater treatment plants.</p>

<p>Fairfax Partnership on Youth</p> <p>House and Senate: Provides a grant of \$75,000 to address the growing problem of gangs in Fairfax County.</p> <p>Conference: Accepts House and Senate budget amendment.</p>	<p>An increase of \$75,000 in FY 2006</p>
<p>Old City Hall</p> <p>House: In FY 2006, the Department of General Services is to examine the feasibility of using revenue supported bonds to purchase Old City Hall. Removes \$5.6 million from GF to NGF.</p> <p>Conference: Removes GF \$7.6 million for the purchase of Old City Hall.</p>	
<p style="text-align: center;">Total Impact to Fairfax County General Fund</p> <p style="text-align: center;">FY 2006 \$1.0 million over the FY 2006 Advertised Budget Plan</p>	

**Conference Changes to Governor's Budget Amendments for the 2004-2006 Biennium
(HB 1500 / SB 700)**

REVENUE TO SCHOOLS

Issue	FY 2005 and FY 2006 Fairfax County Public Schools (FCPS) Impact
Public Education	
<p>Salary Increase</p> <p>Governor's Budget: Provides \$54.8 million for a 3.0% salary increase for all public school employees effective December 1, 2005. Funding is not intended as a mandate to increase salaries.</p> <p>House: Reduces 3 percent salary increase to 2.5 percent and uses savings to fund the state's share of teacher health care credits.</p> <p>Senate: Moves effective date of the 3 percent salary increase from December 1, 2005 to January 1, 2006.</p> <p>Conference: Same as Governor's amended budget</p>	<p>If approved, FCPS will receive an additional \$3.2 million in FY 2006.</p> <p>Net reduction of \$43,000 includes a decrease in the salary payment offset by an increase in the health care credit to FCPS in FY 2006.</p> <p>FCPS would have lost \$496,000 in FY 2006.</p> <p>FCPS will receive an additional \$3.2 million in FY 2006.</p>
<p>Lottery Proceeds</p> <p>Governor's Budget: Includes \$35.2 million due to school division from additional lottery proceeds collected in FY 2004 and projected in FY 2005 and FY 2006.</p> <p>House: Language amendment.</p> <p>Senate: Reduced lottery funding in FY 2005 due to erroneous calculations in the introduced budget.</p> <p>Conference: Same as Senate actions</p>	<p>Lottery proceeds are projected to increase by \$1.3 million in FY 2005 and \$1.0 million in FY 2006.</p> <p>Due to calculation correction, FCPS's increase was reduced \$530,000 in FY 2005.</p> <p>Increase of \$0.8 million in FY 2005 and \$1.0 million in FY 2006.</p>
<p>English as a Second Language & Special Education</p> <p>Governor's Budget: Increased funding by \$19.7 million to address revised student counts.</p> <p>House and Senate: No changes</p> <p>Conference: Same as Governor's amended budget</p>	<p>ESOL funding for FCPS is projected to decrease \$0.4 million in FY 2005 and \$0.2 million in FY 2006 due to lower student counts.</p>
<p>Breakfast Program</p> <p>Governor's Budget: Provides \$1.6 million to offer breakfast to students as part of the Governor's Health Virginians' campaign. This program will help leverage federal dollars.</p> <p>House and Senate: Eliminated the state-supported school breakfast initiative.</p> <p>Conference: Same as House and Senate actions</p>	<p>FCPS would have received an estimated \$112,444 from this new program in FY 2006.</p> <p>FCPS will not receive new funding of \$112,444 from this new program in FY 2006.</p>

<p>Literary Fund</p> <p>Governor's Budget: Provides an additional \$20 million to address school construction projects on the Board of Education's (BOE) First Priority Waiting List.</p> <p>Senate: Adds \$15million in GF and decrease NGF by the same amount to replace Literary Fund dollars designated for teacher retirement.</p>	<p>No impact. Fairfax County schools are not on the BOE first priority waiting list.</p>
<p>Sales Tax / Technical Projections</p> <p>Governor's Budget: Includes \$13.0 million for the Standards of Quality to account for revised sales tax projections.</p> <p>House and Senate: Updated sales tax projections and other technical adjustments.</p> <p>Conference: Updated sales tax projections to reflect \$0.4 million above the Governor's estimate in FY 2006.</p>	<p>The net increase to FCPS is due to revised sales tax estimates is \$0.5 million in FY 2005 and \$2.7 million in FY 2006.</p> <p>FY 2005 House: Increase of \$43,000 Senate: Increase of \$150,000 FY 2006 House: Increase of \$240,000 Senate: Increase of \$570,000</p> <p>The net increase to FCPS due to revised sales tax estimates is \$0.5 million in FY 2005 and \$3.1 million in FY 2006.</p>
<p style="text-align: center;">Total Impact to Fairfax County Public Schools</p> <p>FY 2005 \$0.9 million FY 2006 \$7.1 million</p>	

**Conference Changes to Governor's Budget Amendments for the 2004-2006 Biennium
(HB 1500 / SB 700)**

TRANSPORTATION

Issue	Fairfax County Impact
Transportation	
<p>Public Transportation</p> <p>Governor's Budget: Includes \$20 million for new rail cars for the Virginia Railway Express.</p> <p>House: Includes \$20 million for new Virginia Railway Express passenger rail purchases and equipment and facilities to increase capacity and extend the Manassas line to Gainesville.</p> <p>Senate: Includes \$25 million for new rail cars for the Virginia Railway Express.</p> <p>Conference: Includes \$20 million for Virginia Railway Express rail cars.</p>	<p>Approximately \$9 million.</p> <p>Approximately \$9 million. Approximately \$11 million. Approximately \$9 million.</p>
<p>VRE Extension to Gainesville/Haymarket</p> <p>Governor's Budget: No language.</p> <p>House: See 482#1h</p> <p>Senate: No language.</p> <p>Conference: Directs the Director of DRPT to develop a plan to identify all available revenue sources to facilitate the extension of VRE to Gainesville and Haymarket, to discuss necessary actions to construct the extension and develop an access agreement for such an extension.</p>	<p>No specific funding attached.</p>
<p>Dulles Corridor Sound Walls</p> <p>Governor's Budget: No language.</p> <p>House: Includes language directing VDOT to enter into an agreement with MWAA by October 1, 2005, to determine the respective cost and responsibility for replacing the existing privacy fence abutting the Hallcrest Heights subdivision and the Dulles Access/Toll Road with a sound wall in conjunction with the construction of rail mass transit in the Dulles Corridor.</p> <p>Senate: No language.</p> <p>Conference: Includes language directing VDOT to enter into an agreement with MWAA by October 1, 2005, to determine the respective cost and responsibility for replacing the existing privacy fence abutting the Hallcrest Heights subdivision and the Dulles Access/Toll Road with a sound wall in conjunction with the construction of rail mass transit in the Dulles Corridor.</p>	<p>No specific funding attached.</p> <p>No specific funding attached.</p>
<p>Beltway Sound Walls</p> <p>Governor's Budget: No language.</p> <p>House: Includes language directing that if VDOT enters into an agreement for the construction of high-occupancy toll lanes on I-495 pursuant to the Public Private Transportation Act of 1995, the agreement must include a project element for the design and construction of noise walls from Gallows Road to Route 7 as envisioned in the EIS.</p> <p>Senate: No language.</p> <p>Conference: Includes language directing that if VDOT enters into an agreement for the construction of high-occupancy toll lanes on I-495 pursuant to the Public Private Transportation Act of 1995, the agreement must include a project element for the design and construction of noise walls from Gallows Road to Route 7 as envisioned in the EIS.</p>	<p>No specific funding attached.</p> <p>No specific funding attached.</p>

<p>Sale of Property Governor's Budget: Includes language directing that net proceeds from the lease or sales of surplus property be applied to the system and locality that provided the original funding. House: No change Senate: No change. Conference: No change.</p>	Varies by year.
<p>Local Assumption of Secondary Roads Governor's Budget: No language. House: No language. Senate: Directs VDOT to work with representatives of counties to prepare a legislative recommendation on the process for any county to assume responsibility for their secondary construction program, upon their request. Conference: Directs VDOT to work with representatives of counties to prepare a legislative recommendation on the process for any county to assume responsibility for their secondary construction program, upon their request.</p>	<p>No specific funding attached.</p> <p>No specific funding attached.</p>
<p>Repayment of Federal Revenue Anticipation Notes (FRANs) Governor's Budget: Includes full general fund repayment of FRAN debt service to retire remaining outstanding debt. House: Only includes FRAN debt service for the current budget. Also includes language saying that it is the General Assembly's intent that the remaining FRAN debt service will be repaid by the General Fund. Senate: Only includes FRAN debt service for the current budget. Conference: Only includes FRAN debt service for the current budget. Also includes language saying that it is the General Assembly's intent that the remaining FRAN debt service will be repaid by the General Fund.</p>	<p>No direct impact.</p> <p>No direct impact.</p> <p>No direct impact.</p> <p>No direct impact.</p>
<p>Dulles Corridor Sound Walls Governor's Budget: No language. House: Includes language directing VDOT to enter into an agreement with MWAA by October 1, 2005, to determine the respective cost and responsibility for replacing the existing privacy fence abutting the Hallcrest Heights subdivision and the Dulles Access/Toll Road with a sound wall in conjunction with the construction of rail mass transit in the Dulles Corridor. Senate: No language. Conference: Includes language directing VDOT to enter into an agreement with MWAA by October 1, 2005, to determine the respective cost and responsibility for replacing the existing privacy fence abutting the Hallcrest Heights subdivision and the Dulles Access/Toll Road with a sound wall in conjunction with the construction of rail mass transit in the Dulles Corridor.</p>	<p>No specific funding attached.</p> <p>No specific funding attached.</p>
<p>Beltway Sound Walls Governor's Budget: No language. House: Includes language directing that if VDOT enters into an agreement for the construction of high-occupancy toll lanes on I-495 pursuant to the Public Private Transportation Act of 1995, the agreement must include a project element for the design and construction of noise walls from Gallows Road to Route 7 as envisioned in the EIS. Senate: No language.</p>	No specific funding attached.

<p>Conference: Includes language directing that if VDOT enters into an agreement for the construction of high-occupancy toll lanes on I-495 pursuant to the Public Private Transportation Act of 1995, the agreement must include a project element for the design and construction of noise walls from Gallows Road to Route 7 as envisioned in the EIS.</p>	<p>No specific funding attached.</p>
<p>Sale of Property Governor's Budget: Includes language directing that net proceeds from the lease or sales of surplus property be applied to the system and locality that provided the original funding. House: No change Senate: No change. Conference: No change.</p>	<p>Varies by year.</p>
<p>Local Assumption of Secondary Roads Governor's Budget: No language. House: No language. Senate: Directs VDOT to work with representatives of counties to prepare a legislative recommendation on the process for any county to assume responsibility for their secondary construction program, upon their request. Conference: Directs VDOT to work with representatives of counties to prepare a legislative recommendation on the process for any county to assume responsibility for their secondary construction program, upon their request.</p>	<p>No specific funding attached.</p> <p>No specific funding attached.</p>
<p>Repayment of Federal Revenue Anticipation Notes (FRANs) Governor's Budget: Includes full general fund repayment of FRAN debt service to retire remaining outstanding debt. House: Only includes FRAN debt service for the current budget. Also includes language saying that it is the General Assembly's intent that the remaining FRAN debt service will be repaid by the General Fund. Senate: Only includes FRAN debt service for the current budget. Conference: Only includes FRAN debt service for the current budget. Also includes language saying that it is the General Assembly's intent that the remaining FRAN debt service will be repaid by the General Fund.</p>	<p>No direct impact.</p> <p>No direct impact.</p> <p>No direct impact.</p> <p>No direct impact.</p>



Section II

FAIRFAX COUNTY LEGISLATIVE SUMMARY *2005 GENERAL ASSEMBLY*

March 21, 2005

Fairfax County Legislative Summary 2005 General Assembly

Board of Supervisors Report Key

Bill No. – Patron, (District No.) Bill Title	GA Committees where Bill is/was assigned	Last GA Committee or Floor Action	Bold = Date Position taken by full Board of Supervisors [] = Date position taken by BOS Legislative Committee
HB 502 - Callahan, Jr. (34) Transportation improvement districts; establishment in Fairfax County.	(H) Transportation	01/19/04 House: Assigned to Tra. sub- committee: 1	1/26/04
Initiate (047250260) Summary: Facilitates the establishment of local transportation improvement districts in Fairfax County. (Rail to Dulles enabling statute.)			
Bold = Board Position, [] = BOS Legislative Committee Position (LD No. is version of bill on which position was taken) Summary -- Reflects latest version of summary available on the Legislative Information System Web Site			

Fairfax County Initiatives

***Bills Introduced
at Fairfax County's Request***

3/21/2005

Bills Introduced at Fairfax County's Request

Bills	General Assembly Actions	Date of BOS Position
<u>HB 1968</u> - Amundson (44) Parking; allows Fairfax County and towns within its boundaries to regulate.	2/3/2005 House: Reported from Tra. w/amd (17-Y 2-N) 2/7/2005 House: VOTE: PASSAGE (92-Y 5-N) 2/17/2005 Senate: Reported from Transportation (15-Y 0-N) 2/22/2005 Senate: VOTE: PASSAGE R (40-Y 0-N)	1/24/2005
Initiate (055227260) Summary: Grants counties with populations of more than 500,000 and the towns within those counties expanded powers to regulate parking of large, heavy vehicles within their boundaries.		
<u>HB 2116</u> - Plum (36) Human rights; prohibits discrimination based on sexual orientation in Fairfax County.	1/21/2005 House: Passed by indefinitely in C. C. T. (17-Y 4-N)	1/24/2005
Initiate (055222260) Summary: Adds "sexual orientation" as prohibited discrimination and authorizes action against such discrimination by a human rights commission in a county with the urban county executive form of government (Fairfax County.)		
<u>HB 2230</u> - Rust (86) Mopeds; regulation in Northern Virginia Planning District.	2/1/2005 House: Tabled in Transportation (21-Y 0-N)	1/24/2005
Initiate (055226260) Summary: Amends the definition of "moped" to include devices powered by electric motors and allows local governments in the Northern Virginia Planning District enhanced power to regulate or prohibit operation of mopeds, electric power-assisted bicycles, trail-bikes, mini-bikes, and go-carts.		
<u>SB 929</u> Blue Star Memorial Highway; designating as Route 1 in Fairfax County.	2/3/2005 Senate: Reported from Transportation (15-Y 0-N) 2/8/2005 Senate: VOTE: PASSAGE R (40-Y 0-N) 2/15/2005 House: Reported from Tra. (21-Y 0-N) 2/18/2005 House: Passed House BLOCK VOTE (97-Y 0-N)	1/24/2005
Initiate (055221260) Summary: Designates the entire length of U.S. Route 1 in Fairfax County the "Blue Star Memorial Highway."		

3/21/2005

Bills Introduced at Fairfax County's Request

Bills	General Assembly Actions	Date of BOS Position
<p><u>SJ 343</u> - Mims (33) Clean Air Act; Dept. of Environmtl. Qual. to study effect of trees & forests on ambient ozone level.</p>	<p>2/8/2005 Senate: Left in Rules</p>	<p>1/24/2005</p>
<p>Initiate (052104772) Summary: Requests that the Department of Environmental Quality, in consultation with local governments and appropriate state, regional, and federal air quality and natural resource management agencies study the effect of urban trees and native forests on ambient ozone levels and other air pollutants, as well as the feasibility of including tree-related measures in state implementation plans for managing air quality to reduce health risks and avoid loss of future federal transportation funds.</p>		

Fairfax County Positions
(Oppose or Amend)

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Passed Legislation

Bills	General Assembly Actions	Date of BOS Position
HB 1798 - Albo (42) Illegal aliens; eligibility for state and local public benefits.	2/3/2005 House: Reported from General Laws with sub (20-Y 1-N) 2/8/2005 House: VOTE: PASSAGE #2 (85-Y 13-N) 2/8/2005 House: VOTE: PASSAGE (88-Y 10-N) 2/16/2005 Senate: Reported from General Laws with amds (11-Y 4-N) 2/22/2005 Senate: VOTE: PASSAGE (27-Y 11-N) 2/22/2005 Senate: Passed Senate with amendments (27-Y 11-N) 2/23/2005 House: VOTE: REJECTED (1-Y 95-N) 2/24/2005 Senate: VOTE: INSIST & REQUEST (40-Y 0-N) 2/26/2005 House: VOTE: ADOPTION (85-Y 9-N) 2/26/2005 Senate: VOTE: CONF. COMMITTEE RPT. (40-Y 0-N)	2/7/2005
<p>Oppose Unless Amended (055255204) - Oppose unless amended to remove the restrictions on local programs supported with only local funding; Board has historically opposed.</p> <p>Summary: Provides that no person who is not a U.S. citizen or legally present in the United States is eligible for any state or local public benefits. The bill defines state and local public benefits, and sets forth a series of exceptions to this eligibility rule. The bill also requires applicants for state or local assistance to provide proof of legal presence in the United States and establishes a process for temporary receipt of benefits when applicants cannot provide such proof. This bill is identical to SB 1143.</p>		
HB 1820 - Suit (81) Eminent domain; regulations for condemnor's right of entry.	2/4/2005 House: Reported from C. J. with substitute (19-Y 0-N) 2/8/2005 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N) 2/21/2005 Senate: Reported from Courts of Justice w/sub (15-Y 0-N) 2/23/2005 Senate: VOTE: PASSAGE R (38-Y 0-N) 2/24/2005 House: VOTE: ADOPTION (98-Y 0-N)	1/24/2005
<p>Oppose (056738520) - Board has historically opposed.</p> <p>Summary: Modifies the provisions associated with a condemnor's entry onto property by (i) expanding the information provided in the initial request for permission to inspect and strengthening delivery requirements; (ii) requiring that the notice of intent to enter be posted or otherwise delivered to the owner in person, in addition to being sent by certified mail; and (iii) providing that if the owner files an action to recover damages caused by entry and is awarded judgment in an amount 30 percent or more than the condemnor's final written offer, or if the court finds that the condemnor maliciously, willfully or recklessly damaged the owner's property, the court may award the owner reasonable court costs, attorney fees, and fees for up to three expert witnesses testifying at trial.</p>		

Bills	General Assembly Actions	Date of BOS Position
HB 1821 - Suit (81) Eminent domain; procedure for acquisition of property by State.	2/4/2005 House: Reported from C. J. with substitute (18-Y 1-N) 2/8/2005 House: VOTE: PASSAGE (96-Y 1-N 1-A) 2/21/2005 Senate: Reported from Courts of Justice w/sub (14-Y 0-N) 2/23/2005 Senate: VOTE: PASSAGE R (38-Y 0-N) 2/24/2005 House: VOTE: ADOPTION (97-Y 0-N 1-A)	1/24/2005
<p>Oppose (054173520) - Board has historically opposed.</p> <p>Summary: Modifies the provisions associated with acquisitions under eminent domain by (i) requiring that a state agency's acquisition of real property be conducted in accordance with provisions that are only precatory under current law, including that the state agency establish an initial amount that is no less than the agency's approved appraisal of the fair market value of the property and that no owner can be required to surrender possession until the state agency pays the agreed purchase price or deposits funds with the court, and (ii) providing that if an owner is awarded at trial as compensation for the taking of or damage to property an amount that is 30 percent or more greater than the amount of the petitioner's written offer, the court may award the owner reasonable appraisal and engineering fees, and reasonable fees and travel costs for up to three expert witnesses testifying at trial. The cost award provisions do not apply to cases involving easements valued at less than \$10,000 or to cases in which a petition in condemnation or certificate of take or deposit was filed prior to July 1, 2005.</p>		
HB 2168 - Reese (67) Garbage, trash, or refuse collection; additional requirements for localities.	2/4/2005 House: Reported from C. C. T. with amendments (22-Y 0-N) 2/8/2005 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N) 2/15/2005 Senate: Reported from Local Government w/amd (8-Y 7-N) 2/21/2005 Senate: VOTE: FLOOR AMEND 1,2 (14-Y 26-N) 2/21/2005 Senate: VOTE: PASSAGE (25-Y 15-N) 2/23/2005 House: VOTE: ADOPTION (97-Y 0-N)	2/7/2005
<p>Oppose Unless Amended (056695484) - Oppose unless amended to remove the five year notice provision and to allow the Board, after a public hearing, to proceed directly to displacement if one of the four specified conditions exists.</p> <p>Summary: Adds requirements to the procedures localities must follow before displacing private companies providing garbage, trash, or refuse collection services. Such requirements include making a written finding of at least one of the following: (i) privately-owned refuse collection and disposal services are not available; (ii) the use of privately-owned and operated services has substantially endangered the public health or created a public nuisance; (iii) privately-owned services, although available, are not able to provide needed services in a reasonable and cost-efficient manner; (iv) or displacement is necessary to provide for the development or operation of a regional system of refuse collection or disposal for two or more localities.</p>		

Bills	General Assembly Actions	Date of BOS Position
HB 2456 - Suit (81) Zoning ordinances; cash proffers requested or accepted by a locality.	2/4/2005 House: Reported from C. C. T. with amendments (17-Y 5-N) 2/7/2005 House: VOTE: ENGROSSMENT (45-Y 45-N) 2/8/2005 House: VOTE: PASSAGE (61-Y 35-N) 2/21/2005 Senate: Reported from Local Government w/sub (15-Y 0-N) 2/23/2005 Senate: VOTE: PASSAGE R (38-Y 0-N) 2/24/2005 House: VOTE: ADOPTION (85-Y 12-N)	1/24/2005
<p>Oppose (056116520)</p> <p>Summary: Provides that no locality shall require payment of a cash proffer prior to issuance of a building permit; however, a landowner may voluntarily agree to an earlier payment. Also, no locality shall either request or accept a cash proffer whose amount is scheduled to increase annually, from the time of proffer until tender of payment, by a percentage greater than the annual rate of inflation, as calculated by referring to the Consumer Price Index published by the United States Department of Labor, Bureau of Labor Statistics or the Marshall and Swift Building Cost Index.</p>		

Bills	General Assembly Actions	Date of BOS Position
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HB 2777 - Louderback (15) Retail Sales and Use Tax; increased, creates Water Quality Improvement Restricted Use Fund.	2/4/2005 House: Rep. from Approp. w/ sub (23-Y 0-N) 2/8/2005 House: VOTE: PASSAGE (98-Y 0-N) 2/14/2005 Senate: Rereferred to Finance 2/14/2005 Senate: Rep. from A. C. & N. R. w/sub (14-Y 0-N) 2/16/2005 Senate: Rep. from Finance w/sub (15-Y 0-N) 2/21/2005 Senate: VOTE: PASSAGE R (40-Y 0-N) 2/23/2005 House: VOTE: REJECTED (3-Y 94-N) 2/24/2005 Senate: VOTE: INSIST & REQUEST (40-Y 0-N) 2/26/2005 House: VOTE: ADOPTION (96-Y 0-N) 2/26/2005 Senate: VOTE: CONF. COMMITTEE RPT. (40-Y 0-N)	2/28/2005
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Amend (051687384-H1) - Amend to better protect County's efforts to clean-up Chesapeake Bay; both bills' criteria and formulae provide minimal funds to Fairfax County, especially the Senate bill. Similar to SB 810 (Williams) and SB 1235 (Quayle).

Summary: Appropriates \$50 million from the general fund to the Water Improvement Quality Fund on July 1, 2005. The money is to be used solely to finance the costs of design and installation of biological nutrient removal facilities or other nutrient removal technologies at publicly-owned sewage systems. In addition, beginning July 1, 2005, the annual appropriations to the Fund provided from the 10 percent general fund surplus and the 10 percent of any unreserved general fund year-end balance will have a different distribution formula. Seventy percent of these moneys will be allocated to the Department of Conservation and Recreation to be used for the implementation of best management practices that reduce nitrogen and phosphorous nonpoint source pollution, and 30 percent will be allocated to the Department of Environmental Quality to make grants to significant dischargers and to treatment works that utilize the Public-Private Education Facilities and Infrastructure Act, to design and install state-of-the-art nutrient removal technology. The amount of financing available to the treatment facility for point source nutrient removal technologies, whether the source of funding is the 10 percent surplus and 10 unexpended balance, or the \$50 million appropriation, will depend on the financial need of the community, which will be determined by comparing the annual sewer charges expended within the service area to the reasonable sewer costs established for the community. The bill also directs the chairman of the committees of oversight to develop recommendations for a permanent source of funding that will clean up the Chesapeake Bay and its tributaries, as well as other impaired waters outside the Bay watershed. This bill is identical to SB 810 and SB 1235.

Bills	General Assembly Actions	Date of BOS Position
HB 2888 - Lingamfelter (31) Proffered funds; localities must begin construction of improvements within 5 years of receipt.	2/4/2005 House: Reported from C. C. T. with amendments (19-Y 2-N) 2/8/2005 House: VOTE: PASSAGE (68-Y 26-N) 2/21/2005 Senate: Reported from Local Government w/sub (15-Y 0-N) 2/23/2005 Senate: VOTE: PASSAGE R (38-Y 0-N) 2/24/2005 House: VOTE: ADOPTION (89-Y 9-N)	2/7/2005
<p>Oppose (053282380)</p> <p>Summary: Makes numerous changes to the existing law on the use of cash proffers by localities, including amendments that provide that any locality accepting a cash payment voluntarily proffered on or after July 1, 2005, pursuant to § 15.2-2298, 15.2-2303, or 15.2-2303.1 shall, within seven years of receiving full payment, begin construction or other improvements for which the cash payment was proffered. A locality that does not begin construction of the improvements for which the cash payment was proffered within seven years of receipt of the proffered cash payment, or make other authorized alternative improvements, shall pay the amount of that proffered cash payment to the Commonwealth Transportation Board for allocation to the appropriate construction program.</p>		
SB 873 - Cuccinelli, II (37) Law-enforcement employees; overtime compensation.	2/1/2005 Senate: Reported from Local Government (7-Y 6-N) 2/8/2005 Senate: VOTE: PASSAGE (25-Y 15-N) 2/17/2005 House: Reported from General Laws with amd (14-Y 6-N) 2/23/2005 House: VOTE: PASSAGE (90-Y 6-N) 2/24/2005 Senate: VOTE: CONCUR HOUSE AMENDMENT (39-Y 0-N)	2/7/2005
<p>Oppose (052909720) - Impact of \$750,000 - \$1 million depending on method of implementation.</p> <p>Summary: Expands the current overtime compensation provisions for fire protection employees to certain law-enforcement employees. Under the bill certain law-enforcement employees shall be required to be paid overtime at a rate of not less than one and one-half times the employee's regular rate of pay for all hours of work between the statutory maximum permitted under 29 U.S.C. 207 (k) and the hours for which an employee receives his salary, or if paid on an hourly basis, the hours for which the employee receives hourly compensation. A law-enforcement employee who is paid on an hourly basis shall have paid leave counted as hours of work in an amount no greater than the number of hours counted for other law-enforcement employees working the same schedule who are paid on a salaried basis in that jurisdiction. For purposes of computing law-enforcement employees' entitlement to overtime compensation for regularly scheduled work hours, all hours in which an employee works or is in a paid status shall be counted as hours of work.</p>		

Bills	General Assembly Actions	Date of BOS Position
SB 894 - Howell (32) Social services, local departments of; grievance procedures.	1/14/2005 Senate: Reported from R. & S. S. w/amendment (14-Y 0-N) 1/19/2005 Senate: VOTE: PASSAGE R (40-Y 0-N) 2/15/2005 House: Reported from H. W. I. w/amendments (22-Y 0-N) 2/17/2005 House: Passed House with amendments BLOCK VOTE (97-Y 0-N) 2/21/2005 Senate: VOTE: CONCUR HOUSE AMENDMENT (40-Y 0-N)	1/24/2005
Amend (051376744) - Amend to delete grievance protection for department director. Summary: Requires a local social service department or local board to adopt a grievance procedure that is either (i) adopted by the locality, or (ii) approved by the State Board of Social Services, consistent with the state grievance procedure.		
SB 1143 - Hanger, Jr. (24) Illegal aliens; eligibility for state and local public benefits.	2/2/2005 Senate: Reported from General Laws with sub (12-Y 3-N) 2/8/2005 Senate: VOTE: PASSAGE (28-Y 12-N) 2/8/2005 Senate: VOTE: PASSAGE (29-Y 11-N) 2/8/2005 Senate: VOTE: RECONSIDER (40-Y 0-N) 2/17/2005 House: Reported from General Laws with sub (19-Y 1-N) 2/22/2005 House: VOTE: PASSAGE #2 (78-Y 19-N) 2/22/2005 House: VOTE: PASSAGE (81-Y 17-N) 2/23/2005 Senate: VOTE: CONCUR HOUSE AMENDMENT (0-Y 38-N) 2/24/2005 Senate: VOTE: ACCEDE CONF. COMM. (40-Y 0-N) 2/26/2005 House: VOTE: ADOPTION (85-Y 12-N) 2/26/2005 Senate: VOTE: CONF. COMMITTEE RPT. (39-Y 0-N)	2/28/2005
Oppose (053682732-S1) - Similar to HB 1798 (Albo) bill on benefits to immigrants. Summary: Provides that no person who is not a U.S. citizen or legally present in the United States is eligible for any state or local public benefits. The bill defines state and local benefits, and sets forth a series of exceptions to this eligibility rule. The bill also requires applicants for state or local assistance to provide proof of being in the United States legally and establishes a process for temporary receipt of benefits when applicants cannot provide such proof. In addition, the bill has a delayed effective date of January 1, 2006 and requires affected state agencies to cooperate with agencies of local government to develop a system to facilitate verification of legal presence. This bill is identical to HB 1798.		

Bills	General Assembly Actions	Date of BOS Position
SB 1235 - Quayle (13) Retail Sales and Use Tax; increased, creates Water Quality Improvement Restricted Use Fund.	2/2/2005 Senate: Reported from Finance with substitute (15-Y 0-N) 2/7/2005 Senate: VOTE: PASSAGE (40-Y 0-N) 2/16/2005 House: Reported from A., C. & N. R. w/substitute (22-Y 0-N) 2/18/2005 House: Passed House with substitute BLOCK VOTE (97-Y 0-N) 2/22/2005 Senate: VOTE: CONCUR HOUSE AMENDMENT (1-Y 39-N) 2/24/2005 Senate: VOTE: ACCEDE CONF. COMM. (40-Y 0-N) 2/26/2005 House: VOTE: ADOPTION (97-Y 0-N) 2/26/2005 Senate: VOTE: CONF. COMMITTEE RPT. (40-Y 0-N)	2/28/2005
<p>Amend (052983800-S1) - Amend to better protect County's efforts to clean-up Chesapeake Bay; both bills' criteria and formulae provide minimal funds to Fairfax County, especially the Senate bill. Similar to HB 2777 (Louderback) and SB 810 (Williams).</p> <p>Summary: Appropriates \$50 million from the general fund to the Water Improvement Quality Fund on July 1, 2005. The money is to be used solely to finance the costs of design and installation of biological nutrient removal facilities or other nutrient removal technologies at publicly-owned sewage systems. In addition, beginning July 1, 2005, the annual appropriations to the Fund provided from the 10 percent general fund surplus and the 10 percent of any unreserved general fund year-end balance will have a different distribution formula. Seventy percent of these moneys will be allocated to the Department of Conservation and Recreation to be used for the implementation of best management practices that reduce nitrogen and phosphorous nonpoint source pollution, and 30 percent will be allocated to the Department of Environmental Quality to make grants to significant dischargers and to treatment works that utilize the Public-Private Education Facilities and Infrastructure Act, to design and install state-of-the-art nutrient removal technology. The amount of financing available to the treatment facility for point source nutrient removal technologies, whether the source of funding is the 10 percent surplus and 10 unexpended balance, or the \$50 million appropriation, will depend on the financial need of the community, which will be determined by comparing the annual sewer charges expended within the service area to the reasonable sewer costs established for the community. The bill also directs the chairman of the committees of oversight to develop recommendations for a permanent source of funding that will clean up the Chesapeake Bay and its tributaries, as well as other impaired waters outside the Bay watershed. This bill is identical to SB 810 and HB 2777.</p>		

3/21/2005

Bills Fairfax County Opposes or Seeks Amendments to Bill

Bills	General Assembly Actions	Date of BOS Position
SJ 376 - Houck (17) Nonprofit organizations; Housing Comm. to study exemption of those that construct low-income housing	2/4/2005 Senate: Reported from Rules with amendment 2/8/2005 Senate: Agreed to by Senate by voice vote 2/16/2005 House: Reported from Rules (16-Y 0-N) 2/24/2005 House: VOTE: ADOPTION (76-Y 20-N)	2/7/2005
Oppose (052692740) Summary: Directs the Virginia Housing Commission to study the feasibility of exempting nonprofit organizations that construct housing for low-income persons from zoning provisions that limit how and when property may be subdivided into individual lots.		

Fairfax County Positions
(Support or Monitor)

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Passed Legislation

Bills	General Assembly Actions	Date of BOS Position
<p><u>HB 1877</u> - McDougle (97) Graffiti ordinance; mandatory minimum fine and jail.</p>	<p>1/31/2005 House: Reported from C. J. with substitute (22-Y 0-N) 2/4/2005 House: VOTE: BLOCK VOTE PASSAGE (95-Y 0-N) 2/4/2005 House: VOTE: BLOCK VOTE PASSAGE (96-Y 0-N) 2/15/2005 Senate: Reported from Local Government (15-Y 0-N) 2/18/2005 Senate: VOTE: PASSAGE R (37-Y 0-N) 2/18/2005 Senate: VOTE: PASSAGE R (38-Y 0-N) 2/18/2005 Senate: VOTE: RECONSIDER R (38-Y 0-N)</p>	<p>2/7/2005</p>
<p>Support (055338408) Summary: Amends local graffiti ordinance provisions to require that any violation carry a mandatory minimum fine of \$500, where the defacement is (i) more than 20 feet off the ground, (ii) gang-related, or (iii) on an overpass. The bill also provides for cleaning of graffiti by a locality at its own expense.</p>		
<p><u>HB 2159</u> - Reese (67) Zoning appeals, boards of; changes in provisions.</p>	<p>2/4/2005 House: Reported from C. C. T. with sub (22-Y 0-N) 2/8/2005 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N) 2/15/2005 Senate: Reported from Local Government (14-Y 1-N) 2/18/2005 Senate: VOTE: PASSAGE (36-Y 2-N)</p>	<p>2/7/2005</p>
<p>Monitor (051240484) - Substitute bill for HB 2159 as introduced, incorporates HB 2152. Similar to SB 1086. Summary: Rewrites the criteria for instances in which the zoning administrator may grant a modification, currently referred to as a variance, from the zoning ordinance by including requirements related to the size, height, location or features of any building on the parcel of land.</p>		

Bills	General Assembly Actions	Date of BOS Position
HB 2217 - Albo (42) Gangs; punishment for activity taking place in school, etc., penalty.	2/2/2005 House: Reported from C. J. with substitute (19-Y 0-N) 2/3/2005 House: Reported from Appropriations with sub (20-Y 0-N) 2/8/2005 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N) 2/14/2005 Senate: Reported from Courts of Justice w/sub (14-Y 0-N) 2/16/2005 Senate: VOTE: PASSAGE R (40-Y 0-N) 2/18/2005 House: VOTE: ADOPTION (97-Y 0-N)	1/24/2005
<p>Support w/ Amend. (057996104) - Support and amend to add public parks and to make brandishing of a machete a predicate criminal act. Note: Bill was amended to pertain only to schools and school zones. Similar to SB 1217 (Mims).</p> <p>Summary: Adds to the list of crimes defined as "predicate criminal act" the following: § 18.2-42, assault by mob; § 18.2-56.1, reckless handling of a firearm; § 18.2-59, extorting money; § 18.2-286.1, shooting from a motor vehicle; § 18.2-287.4, carrying a loaded firearm in public areas in certain localities; and § 18.2-308.1, possession of a firearm, stun weapon or taser on school property. In addition, the bill provides that "predicate criminal act" includes the violation of any offense substantially similar to these newly added crimes as well as the existing listed crimes when committed in another state or territory of the United States, the District of Columbia, or the United States. The bill provides enhanced punishments for gang activities taking place at or near schools, colleges, and school buses. The bill allows a witness in a gang prosecution to request that certain information about the witness not be disclosed. Finally, the bill treats criminal street gangs as public nuisances and allows for the enjoinder of such nuisances. This bill is identical to SB1217.</p>		
HB 2282 - Janis (56) Sport shooting ranges; certain specified criteria for localities.	2/4/2005 House: Reported from Counties, Cities and Towns (19-Y 3-N) 2/8/2005 House: VOTE: PASSAGE (85-Y 13-N) 2/21/2005 Senate: Reported from Local Government w/sub (14-Y 1-N) 2/23/2005 Senate: VOTE: PASSAGE (40-Y 0-N) 2/24/2005 House: VOTE: ADOPTION (93-Y 4-N)	2/28/2005 2/7/2005
<p>Monitor (054696348-S1) - Bill was amended by the Senate to strike all references to specific noise levels.</p> <p>Oppose (055025348)</p> <p>Summary: Provides that no locality shall submit a sport shooting range to noise control standards more stringent than those in effect at the time an application was submitted for construction or operation of the range. The existing law refers to the time of construction, not the time of application.</p>		

Bills	General Assembly Actions	Date of BOS Position
<u>HB 2381</u> - Hall (69) Community development authorities; removes populaation and tract size limits for counties.	2/4/2005 House: Reported from C. C. T. with sub (22-Y 0-N) 2/8/2005 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N) 2/21/2005 Senate: Reported from Local Government (15-Y 0-N) 2/23/2005 Senate: VOTE: PASSAGE R (38-Y 0-N)	2/7/2005
<p>Support w/ Amend. (057260312) - Support with amendment to authorize community development authorities to acquire land and to use Community Development Authority funds to pay for it. Note: Amendments were made that address the Board's concerns.</p> <p>Summary: Removes population and tract size limitations for counties that want to establish a community development authority. No such limitations currently exist for cities and towns. Also, authorities are given powers related to the financing and funding of land acquisition.</p>		
<u>HB 2428</u> - Cole (88) Veterans; state in hiring to give additional consideration to certain.	1/27/2005 House: Reported from General Laws with sub (22-Y 0-N) 2/2/2005 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N) 2/9/2005 Senate: Reported from General Laws with amds (13-Y 0-N) 2/14/2005 Senate: VOTE: (40-Y 0-N) 2/16/2005 House: VOTE: ADOPTION (96-Y 0-N)	2/28/2005 [2/11/2005]
<p>Monitor (053668412-H1) - Bill has been amended so that local government provisions apply only to hiring policies and practices. [Amend] (053668412 H1) — Amend local government provisions to apply only to hiring policies and practices.</p> <p>Summary: Requires the state in its employment selection practices to give additional consideration to veterans who have a service-connected disability rating fixed by the United States Veterans Administration. The bill also requires local governing bodies to give a preference to veterans in their employment policies and practices.</p>		

Bills	General Assembly Actions	Date of BOS Position
HB 2512 - Hamilton (93) Assisted living facilities; requires administrators to be licensed.	1/27/2005 House: Reported from H. W. I. w/substitute (22-Y 0-N) 2/2/2005 House: Reported from Appropriations with sub (24-Y 0-N) 2/7/2005 House: VOTE: PASSAGE (95-Y 1-N 1-A) 2/11/2005 Senate: Reported from R. & S. S. w/substitute (14-Y 0-N) 2/15/2005 Senate: VOTE: PASSAGE R (39-Y 0-N) 2/17/2005 House: VOTE: ADOPTION (96-Y 0-N 1-A)	2/7/2005
<p>Support (051994316-H1) - Position included in Program.</p> <p>Summary: Requires administrators of assisted living facilities to be licensed by the Board of Long-Term Care Administrators within the Department of Health Professions. The bill renames the Board of Nursing Home Administrators as the Board of Long-Term Care Administrators. The licensing provisions shall not take effect until July 1, 2007. The Board of Long-Term Care Administrators shall submit the proposed criteria for licensing assisted living facility administrators to the chairmen of the House Committee on Health, Welfare and Institutions, Senate Committee on Education and Health, and Joint Commission on Health Care on or before January 1, 2006. The bill permits the Commissioner to issue an order of summary suspension of a license to operate an assisted living facility and adult day care center in cases of immediate and substantial threat to the health, safety, and welfare of residents or participants. The bill increases the maximum civil penalties for assisted living facilities from \$500 to \$10,000 per inspection and directs that the civil penalties be paid to the newly created Assisted Living Facility Education and Technical Assistance Fund to provide education for staff of and technical assistance to assisted living facilities.</p>		
HB 2679 - Lingamfelter (31) Business license tax, local; appeals to court.	2/2/2005 House: Reported from Finance with sub (22-Y 0-N) 2/7/2005 House: VOTE: BLOCK VOTE PASSAGE (95-Y 0-N) 2/16/2005 Senate: Reported from Finance with substitute (14-Y 1-N) 2/18/2005 Senate: VOTE: PASSAGE (38-Y 0-N) 2/22/2005 House: VOTE: ADOPTION (98-Y 0-N)	2/28/2005 1/24/2005
<p>Monitor (054686380-S1) - Bill has been amended to address County's concerns. Oppose (053035380) - Board has historically opposed.</p> <p>Summary: Makes numerous changes to the appeals process regarding local license and local business taxes.</p>		

Bills	General Assembly Actions	Date of BOS Position
<u>HB 2734</u> - McQuigg (51) Gangs; reporting organized criminal activity and membership.	2/4/2005 House: Reported from C. J. with substitute (19-Y 0-N) 2/8/2005 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N) 2/14/2005 Senate: Reported from Courts of Justice (14-Y 0-N) 2/16/2005 Senate: VOTE: PASSAGE R (40-Y 0-N)	2/28/2005
Support (055545412-H1) Summary: Repeals a provision relating specifically to reporting of organized youth gang activity, and creates a general law-enforcement reporting requirement of all gang activity to the Organized Criminal Gang File in the Virginia Criminal Information Network and the Violent Criminal Gang File of the National Crime Information Center maintained by the Federal Bureau of Investigation.		
<u>HB 2741</u> - Reid (72) Populated areas; prohibits shooting of arrows from bows.	1/28/2005 House: Reported from C. C. T. with amendments (21-Y 1-N) 2/2/2005 House: VOTE: PASSAGE (93-Y 3-N) 2/21/2005 Senate: Reported from Local Government w/sub (15-Y 0-N) 2/23/2005 Senate: VOTE: PASSAGE R (38-Y 0-N) 2/24/2005 House: VOTE: ADOPTION (94-Y 3-N)	1/24/2005
Support (053264488) Summary: Adds the outdoor shooting of arrows from bows to existing provisions that allow counties to prohibit the shooting of firearms in heavily populated areas. Bows intended to be used as toys are excluded from the provisions.		
<u>HB 2746</u> - Ware, Jr. (65) Retirement System; liability protection for governing body of any county, city, or town.	1/31/2005 House: Reported from Appropriations (24-Y 0-N) 2/4/2005 House: VOTE: BLOCK VOTE PASSAGE (95-Y 0-N) 2/4/2005 House: VOTE: BLOCK VOTE PASSAGE (96-Y 0-N) 2/9/2005 Senate: Reported from Finance (14-Y 0-N) 2/11/2005 Senate: VOTE: PASSAGE R (39-Y 0-N)	1/24/2005
Support (059874540) Summary: Provides that a local government that establishes a retirement system shall not be liable for any loss resulting from the governing body's selection of an individual retirement plan provider, or investment product in the case of an automatic rollover of a mandatory cash-out, when the selection of the provider or product is made in accordance with safe harbor guidelines adopted by the United States Department of Labor.		

Bills	General Assembly Actions	Date of BOS Position
HB 2863 - Bryant, Jr. (23) Architects, Engineers, Surveyors and Landscape Architects, Board for; licensure.	2/3/2005 House: Reported from General Laws with sub (21-Y 0-N) 2/8/2005 House: VOTE: PASSAGE (98-Y 0-N) 2/16/2005 Senate: Reported from General Laws (15-Y 0-N) 2/21/2005 Senate: VOTE: PASSAGE R (40-Y 0-N)	2/28/2005 2/7/2005
<p>Monitor (053678252-EH1) - Bill has been amended to address County's concerns. Similar to SB 1306 (Mims). Amend (053629252) — Amend to allow contours and property lines to be depicted on GIS systems with appropriate disclaimers and provided such GIS documents can not be used to obtain formal development approvals.</p> <p>Summary: Provides an exemption from licensure as a land surveyor for persons utilizing photogrammetric methods or similar remote sensing technology to determine topography, contours, or depiction of physical improvements provided such determination shall not be used for the design, modification, or construction of improvements to real property, or for flood plain determination. The bill authorizes the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects to adopt regulations establishing different licensure requirements for a limited area of the practice of land surveying for persons who determine topography, contours or depiction of physical improvements utilizing photogrammetric methods or similar remote sensing technology and who are not otherwise exempt. Any such requirements shall include reasonable provisions for licensure without examination of persons deemed by the Board to be qualified to provide photogrammetric and remote sensing surveying services.</p>		
HJ 573 - Albo (42) Gangs; Crime Commission to study criminal street conduct and characterist. to produce list of names.	2/3/2005 House: Reported from Rules (16-Y 0-N) 2/5/2005 House: VOTE: BLOCK VOTE PASSAGE (96-Y 0-N) 2/18/2005 Senate: Reported from Rules 2/24/2005 Senate: Agreed to by Senate by voice vote	2/7/2005
<p>Support (057202204)</p> <p>Summary: Directs the Virginia State Crime Commission to study criminal street gang conduct and characteristics for the purpose of reducing the burden on prosecutors by producing a formal listing of gang names coupled with conduct and characteristics unique to those gangs.</p>		
HJ 713 - Byron (22) Study; workforce development and training; report.	2/3/2005 House: Reported from Rules with substitute (16-Y 0-N) 2/5/2005 House: VOTE: BLOCK VOTE PASSAGE (96-Y 0-N) 2/18/2005 Senate: Reported from Rules 2/24/2005 Senate: Agreed to by Senate by voice vote	2/28/2005
<p>Monitor (050433256-H1) - Endorsed by the Northern Virginia Workforce Investment Board.</p> <p>Summary: Establishes a joint subcommittee to study the need for greater consolidation or coordination of the workforce development and training resources available in the Commonwealth.</p>		

Bills Fairfax County Supports or is Monitoring

Bills	General Assembly Actions	Date of BOS Position
SB 1080 - Ticer (30) Campaign finance disclosure; special reports of contributions rec'd by member's campaign comm.	1/25/2005 Senate: Rep. from P. & E. w/ sub (13-Y 0-N) 1/31/2005 Senate: VOTE: PASSAGE (40-Y 0-N) 2/18/2005 House: Rep. from P. & E (20-Y 0-N) 2/22/2005 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)	1/24/2005
Support (056056828) Summary: Requires the reporting of any single contribution of \$500 or more made to a governing body member in a non-election year to be filed with the local electoral board by the end of the fifteenth business day, rather than the fifth business day, after receipt, and eliminates provisions on aggregating contributions.		
SB 1086 - Ticer (30) Zoning appeals, boards of; changes in provisions.	2/1/2005 Senate: Rep. from L. G. w/sub (15-Y 0-N) 2/7/2005 Senate: VOTE: PASSAGE R (40-Y 0-N) 2/18/2005 House: Rep. from C. C. T. w/sub (22-Y 0-N) 2/22/2005 House: VOTE: PASSAGE (98-Y 0-N) 2/23/2005 Senate: VOTE: CONCUR HOUSE AMENDMENT (38-Y 0-N)	2/28/2005 1/24/2005
Monitor (051761828-S1) - Similar to the substitute version of HB 2159. Oppose (053263828) Summary: Amends current variance provisions by authorizing zone administrators to grant modifications from zoning ordinance provisions with respect to physical requirements, such as size, height, location or other features related to any building, structure, or improvements. The bill contains provisions regarding the issuance of modifications and appeals from denials of modification requests. The bill also replaces population brackets with specific localities.		
SB 1183 - Hanger, Jr. (24) Assisted living facilities; licensing requirements, increases maximum civil penalty, report.	1/28/2005 Senate: Rereferred to Finance 1/28/2005 Senate: Rep. from R.&S.S. w/sub (15-Y 0-N) 2/2/2005 Senate: Reported from Finance (12-Y 0-N) 2/7/2005 Senate: VOTE: PASSAGE R (40-Y 0-N) 2/15/2005 House: Rep. from H. W. I. w/sub (22-Y 0-N) 2/17/2005 House: VOTE: PASSAGE (95-Y 0-N 1-A) 2/21/2005 Senate: VOTE: CONCUR HOUSE AMENDMENT (39-Y 0-N)	2/7/2005
Support (051986732-S1) - Position included in Program. Summary: Requires administrators of assisted living facilities to be licensed by the Board of Long-Term Care Administrators within the Department of Health Professions. The bill permits the Commissioner to issue an order of summary suspension of a license to operate an assisted living facility and adult day care center in cases of immediate and substantial threat to the health, safety, and welfare of residents or participants. The bill increases the maximum civil penalties for assisted living facilities from \$500 to \$10,000 per inspection and directs that the civil penalties be paid to the newly created Assisted Living Facility Education and Technical Assistance Fund to provide education for staff of and technical assistance to assisted living facilities. The bill establishes new procedures for medication management and adds new provisions regarding residents with MH/MR/SA needs.		

Bills Fairfax County Supports or is Monitoring

Bills	General Assembly Actions	Date of BOS Position
<u>SB 1217</u> - Mims (33) Gangs; punishment for activity taking place in school, etc., penalty.	1/26/2005 Senate: Rep. from C. J. w/amds (14-Y 0-N) 1/26/2005 Senate: Rereferred to Finance 2/2/2005 Senate: Rep. from Finance w/sub (15-Y 0-N) 2/7/2005 Senate: VOTE: PASSAGE R (40-Y 0-N) 2/18/2005 House: Rep. from C. J. w/sub (22-Y 0-N) 2/23/2005 House: Passed House w/sub (98-Y 0-N) 2/24/2005 Senate: VOTE: CONCUR HOUSE AMENDMENT (40-Y 0-N)	1/24/2005
<p>Support w/ Amend. (057997104) - Support and amend to add public parks. Note: Bill was amended to pertain only to schools and school zones. Similar to HB 2217 (Albo).</p> <p>Summary: Adds to the list of crimes defined as "predicate criminal act" the following: § 18.2-42, assault by mob; § 18.2-56.1, reckless handling of a firearm; § 18.2-59, extorting money; § 18.2-286.1, shooting from a motor vehicle; § 18.2-287.4, carrying a loaded firearm in public areas in certain localities; and § 18.2-308.1, possession of a firearm, stun weapon or taser on school property. In addition, the bill provides that "predicate criminal act" includes the violation of any offense substantially similar to these newly added crimes as well as the existing listed crimes when committed in another state or territory of the United States, the District of Columbia, or the United States. The bill provides enhanced punishments for gang activities taking place at or near schools, colleges, and school buses. The bill allows a witness in a gang prosecution to request that certain information about the witness not be disclosed. Finally, the bill treats criminal street gangs as public nuisances and allows for the enjoinderment of such nuisances. This bill is identical to HB 2217.</p>		
<u>SB 1306</u> - Mims (33) Architects, Engineers, Surveyors and Landscape Architects, Board for; licensure.	2/2/2005 Senate: Rep. from G. L. w/sub (15-Y 0-N) 2/7/2005 Senate: VOTE: PASSAGE R (40-Y 0-N) 2/17/2005 House: Rep. from G. L. (21-Y 0-N) 2/22/2005 House: Passed House BLOCK VOTE (98-Y 0-N)	2/28/2005 2/7/2005
<p>Monitor (052778772-ES1) - Bill has been amended to address County's concerns. Similar to HB 2863 (Bryant). Amend (055278772) - Amend to allow contours and property lines to be depicted on GIS systems with appropriate disclaimers and provided such GIS documents can not be used to obtain formal development approvals.</p> <p>Summary: Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; land surveying. Provides an exemption from licensure as a land surveyor for persons utilizing photogrammetric methods or similar remote sensing technology to determine topography, contours, or depiction of physical improvements provided such determination shall not be used for the design, modification, or construction of improvements to real property, or for flood plain determination. The bill authorizes the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects to adopt regulations establishing different licensure requirements for a limited area of the practice of land surveying for persons who determine topography, contours or depiction of physical improvements utilizing photogrammetric methods or similar remote sensing technology and who are not otherwise exempt. Any such requirements shall include reasonable provisions for licensure without examination of persons deemed by the Board to be qualified to provide photogrammetric and remote sensing surveying services.</p>		

Fairfax County Positions

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Legislation To Be Studied

(Studies, Resolutions, Letters, etc.)

Bills with Fairfax County Positions to be Studied

Bills	General Assembly Actions	Date of BOS Position
<u>HB 1800</u> - Albo (42) Capital murder by members of criminal gangs; penalty.	1/31/2005 House: Reported from C. J. with amendment (21-Y 0-N) 2/4/2005 House: VOTE: PASSAGE (91-Y 5-N) 2/14/2005 Senate: Passed by in C. J. w/ letter (14-Y 0-N)	1/24/2005
Support (058888204) Summary: Provides that the willful, deliberate, and premeditated killing of any person by another pursuant to a membership requirement of, or at the direction or order of, a member of a criminal street gang as is defined in § 18.2-46.1 is capital murder.		
<u>HB 2087</u> - Shannon (35) Gangs and criminal organizations; provides that State Police shall publish a list.	2/4/2005 House: Passed by in C. J. with letter (20-Y 0-N)	2/7/2005
Monitor (056253502) Summary: Provides that the State Police shall publish a list of known youth gangs, criminal street gangs, and other criminal organizations identified by location, size, age, and race of membership; unique clothing; unique hand signs; unique practices; and any other identifying characteristics that would enable a court to take judicial notice of the existence thereof for the purposes of prosecution of an individual member.		
<u>HB 2534</u> - Ingram (62) Video Infrastructure Development and Competition Act of 2005; created.	2/3/2005 House: Tabled in Commerce and Labor (17-Y 4-N)	2/7/2005
Amend (VERIZON-DRAFT) - Direction to staff to actively amend; staff to report back on bill at next Legislative Committee meeting. House bill and similar Senate bill, SB 1337 (Stosch), have been tabled by their respective committees to be studied. Summary: Seeks to encourage video infrastructure development and promote the public interest in lower prices and higher quality video services by equalizing franchise requirements for all competitors to use the public rights-of-way.		
<u>HB 2880</u> - Nixon, Jr. (27) Communications services; various revisions to taxation thereof.	2/2/2005 House: Rep. from Finance w/ sub (20-Y 2-N) 2/7/2005 House: VOTE: PASSAGE (90-Y 7-N) 2/15/2005 Senate: Reported from Finance with amendment (13-Y 0-N 1-A) 2/17/2005 Senate: VOTE: PASSAGE (39-Y 0-N 1-A) 2/21/2005 House: VOTE: ADOPTION (93-Y 5-N)	2/7/2005
Monitor (054551432) - Similar to SB 1335. Summary: Directs the APA to review and collect information in 2005 regarding certain local communications taxes and report to the chairmen of the House and Senate Finance Committees and the Department of Taxation no later than December 1, 2005.		

Bills with Fairfax County Positions to be Studied

Bills	General Assembly Actions	Date of BOS Position
SB 973 - O'Brien (39) Electoral bds, gen. registrars, & staff; localities to provide civil serv. status & grievance procd.	2/8/2005 Senate: Left in Privileges and Elections	1/24/2005
Support Study (056907784) - Recommend study of the bill. Summary: Requires localities to provide civil service status and grievance procedures for staffs of electoral boards and registrars on a basis comparable to that provided to local employees.		
SB 1139 - Hanger, Jr. (24) Income tax, state and corporate; limits land preservation tax credits.	2/2/2005 Senate: Reported from Finance with substitute (15-Y 0-N) 2/7/2005 Senate: VOTE: PASSAGE (20-Y 19-N) 2/15/2005 House: Reported from Finance with sub (14-Y 0-N) 2/18/2005 House: VOTE: PASSAGE (85-Y 5-N) 2/18/2005 Senate: VOTE: ACCEDE CONF. COMM. (35-Y 0-N) 2/18/2005 Senate: VOTE: CONCUR HOUSE AMENDMENT (3-Y 32-N) 2/25/2005 House: VOTE: ADOPTION (89-Y 4-N) 2/25/2005 Senate: VOTE: CONF. COMMITTEE RPT. (39-Y 0-N)	2/28/2005 [2/11/2005]
Monitor (054586328-H1) - Cap has been removed from SUBSTITUTE; issue to be studied during the year. [Oppose] (052975712-S1) - Cap too low for Northern Virginia. Summary: Requires the fair market value of qualified donations under the Virginia Land Conservation Incentives Act of 1999 to be substantiated by a qualified appraisal, which must be signed by a qualified appraiser. A copy of the appraisal must be submitted to the Department of Taxation. A false or fraudulent appraisal may lead to revocation of the appraiser's license or other disciplinary action, and the future appraisals by the same appraiser may be disallowed.		
SB 1337 - Stosch (12) Video infrastructure development; equalizing franchise requirements for competitors.	2/7/2005 Senate: Left in Commerce and Labor	2/7/2005
Amend (VERIZON-DRAFT) - Direction to staff to actively amend; staff to report back on bill at next Legislative Committee meeting. Senate bill and similar House bill, HB 2534 (Ingram), have been tabled by their respective committees to be studied. Summary: Seeks to encourage video infrastructure development by equalizing franchise requirements for all competitors to use the public rights-of-way.		

Fairfax County Positions

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Legislation No Longer Under Consideration

(Killed, Failed to Report, Tabled, etc.)

Failed Bills with Fairfax County Positions

Bills	General Assembly Actions	Date of BOS Position
HB 1504 - Shuler (12) Business, professional and occupational licensing (BPOL) tax; license fees, rates and requirements.	1/19/2005 House: Tabled in Finance (22-Y 0-N)	1/24/2005
<p>Oppose (051059508) - Board has historically opposed. Estimated loss of \$16 million. Summary: Requires localities that impose the BPOL tax to (i) eliminate license fees by January 1, 2007, (ii) exempt the first \$100,000 of gross receipts from taxation by January 1, 2007, and (iii) reduce the several different rates currently in the Code to a flat rate of 20 cents per \$100 of gross receipts for license years beginning on and after January 1, 2006.</p>		
HB 1526 - Frederick (52) Noise abatement; policies of VDOT.	2/1/2005 House: Tabled in Transportation (21-Y 0-N)	1/24/2005
<p>Oppose (051121303) Summary: Provides that whenever (i) there is a conflict between published noise abatement policies of the Department and those published by the federal highway administration or other federal agencies under authority of the National Environmental Policy Act or any amendments thereto or (ii) the noise abatement policy of the Department is silent as to a situation or circumstance covered by a policy published by the federal highway administration or other federal agencies under authority of the National Environmental Policy Act or any amendments thereto, the provisions of the federal policy shall be controlling. The provisions of the bill apply to all highways and highway maintenance or construction projects, regardless of federal funding or the lack of such federal funding.</p>		
HB 1530 - Frederick (52) Income tax, state; credit for commuter parking lot.	1/19/2005 House: Reported from Finance with sub (20-Y 2-N) 1/26/2005 House: Rereferred to Finance 1/31/2005 House: Reported from Finance (20-Y 2-N) 2/3/2005 House: VOTE: PASSAGE (75-Y 21-N) 2/9/2005 Senate: Passed by indefinitely in Finance (13-Y 1-N)	1/24/2005
<p>Support (054535303) Summary: Provides a deduction for taxable years beginning on and after January 1, 2006, to owners of shopping centers and strip malls who contribute to the locality the right to use certain parking spaces as commuter parking. The amount of the annual deduction will not exceed \$50 per parking space. The governing body of the county, city or town in which the commuter parking spaces are located must develop a program based on guidelines established by the Department of Taxation.</p>		

Failed Bills with Fairfax County Positions

Bills	General Assembly Actions	Date of BOS Position
<u>HB 1636</u> - Cole (88) Motor Vehicle Sales & Use Tax; revenue from rental taxes deposited into Transportation Trust Fund.	1/31/2005 House: Tabled in Appropriations (24-Y 0-N)	1/24/2005
Oppose (059012272) Summary: Requires that all revenue from the state motor vehicle rental taxes be deposited into the Transportation Trust Fund and used solely for transportation purposes.		
<u>HB 1662</u> - Lingamfelter (31) Medical or health services to minors; notification to parents.	1/18/2005 House: Tabled in H. W. I. (14-Y 7-N)	1/24/2005
Oppose (051497380) - Board opposed similar bill last year. Bill tabled by Health, Welfare and Institutions Committee. Summary: Requires any state or local government agency employee who provides services to a minor, relating to sexually transmitted diseases, the provision of emergency contraception, pregnancy, illegal drug use, and the contemplation of suicide to attempt notification, within two business days of delivery of such services, to a custodial parent, legal guardian or other person standing in loco parentis of any service and any reason, condition or diagnosis requiring such service.		
<u>HB 1785</u> - BaCote (95) Firearms; localities may adopt an ordinance that prohibits any combination thereof in libraries.	1/21/2005 House: Passed by indefinitely in M., P.& P. S. (18-Y 2-N)	1/24/2005
Support (053257222) - PBI'd by House Militia, Police and Public Safety Committee. Summary: Provides that localities may adopt an ordinance that prohibits firearms, ammunition, or components or combination thereof, in libraries that are owned or operated by the locality.		
<u>HB 1797</u> - Albo (42) Recreation facilities; fees.	2/4/2005 House: Tabled in Counties, Cities & Towns (22-Y 0-N)	2/7/2005
Oppose Unless Amended (058890204) - Oppose unless amended to include costs of operation and to preserve a locality's right to charge nonresidents a different fee than residents. Summary: Provides that localities shall not charge user fees that exceed an amount calculated to cover the costs of construction and maintenance of recreation facilities and the labor costs associated with the scheduling of activities.		

Failed Bills with Fairfax County Positions

Bills	General Assembly Actions	Date of BOS Position
HB 1804 - Marshall (13) Voice-over-Internet protocol service; exempt from regulation by State Corporation Commission.	1/25/2005 House: Reported from C. & L. with substitute (17-Y 4-N) 1/31/2005 House: VOTE: PASSAGE (90-Y 7-N) 2/21/2005 Senate: Left in Commerce and Labor	1/24/2005
Oppose (054144396) Summary: Eliminates any jurisdiction of the State Corporation Commission to regulate voice-over-Internet protocol service. Voice-over-Internet protocol service is excluded from the scope of the definitions of telephone service, telecommunications service, local exchange telephone service, and interexchange telephone service. Voice-over-Internet protocol service includes any Internet protocol enabled service utilizing a broadband connection.		
HB 1818 - Suit (81) Income tax, state and business; credit for bicyclists and their employers.	2/2/2005 House: Tabled in Finance (22-Y 0-N)	1/24/2005
Support (056107520) Summary: Creates two separate tax credits; one for employers and one for individuals. The tax credit for employers allows them to take a credit of up to \$5,000 for providing bicycle racks and showers in their place of business for use by employees who ride bikes to work. The tax credit for individuals provides a credit of \$15 per month for each month the individual rides his bike to and from work for at least 10 days of the month.		
HB 1838 - Parrish (50) Food and beverage tax; limits frequency of referendums on imposing.	1/24/2005 House: Reported from Finance with amd (22-Y 0-N) 1/27/2005 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N) 2/17/2005 Senate: Left in Finance	1/24/2005
Oppose (052218452) - Board has historically opposed similar bills. Summary: Limits the frequency of referendums on imposing a county food and beverage tax to once every three years.		

Failed Bills with Fairfax County Positions

Bills	General Assembly Actions	Date of BOS Position
HB 1855 - Eisenberg (47) Highway construction; VDOT required to follow certain actions if new project in Northern Virginia.	2/3/2005 House: Stricken at request of Patron in Tra. (20-Y 0-N)	2/7/2005
Oppose (059094301) Summary: Specifies actions that must be taken (i) by VDOT prior to undertaking any highway construction or reconstruction project in Northern Virginia if the project involves construction of new traffic lanes or modification of existing lanes (ii) by any state agency in connection with any highway construction or reconstruction project under the Public-Private Transportation Act of 1995.		
HB 1873 - McDougale (97) Graffiti violations; use of multijurisdiction grand jury.	1/28/2005 House: Stricken from docket by C. J. (19-Y 0-N)	2/7/2005
Support (055340408) Summary: Allows for the use of multijurisdiction grand jury to investigate graffiti violations.		
HB 1992 - Griffith (8) Fair Housing Law; evidence of unlawful discriminatory practices.	1/25/2005 House: Reported from General Laws (14-Y 8-N) 1/28/2005 House: VOTE: PASSAGE (62-Y 32-N) 2/16/2005 Senate: Reported from General Laws (8-Y 7-N) 2/21/2005 Senate: VOTE: PASSAGE (13-Y 25-N) 2/21/2005 Senate: VOTE: PASSAGE (7-Y 31-N) 2/21/2005 Senate: VOTE: RECONSIDER (38-Y 0-N)	1/24/2005
Oppose (056270308) - Board has historically opposed. Summary: Provides that the use of words or symbols associated with a particular religion, national origin, sex, or race may be evidence of an illegal preference under the Virginia Fair Housing Law. Current law mandates that the use of such words or symbols is prima facie evidence of an illegal preference. The bill also eliminates the prohibition against use of a general disclaimer to overcome the prima facie evidence.		

Failed Bills with Fairfax County Positions

Bills	General Assembly Actions	Date of BOS Position
HB 2023 - Welch, III (21) Food and beverage tax; restrict new imposition in any city or town without approval by referendum.	1/19/2005 House: Reported from Finance with amd (17-Y 5-N) 1/25/2005 House: VOTE: REJECTED (63-Y 35-N) 1/25/2005 House: requires 67 affirmative votes for passage 1/27/2005 House: VOTE: DEFEATED (63-Y 34-N)	1/24/2005
Oppose (056154552) - Board has historically opposed similar bills. Summary: Restricts the imposition in any city or town having a population of 100,000 or more of any new meals tax or tax rate increase without approval by referendum.		
HB 2066 - Rust (86) Income tax, state; repeals car tax reimbursement program.	2/2/2005 House: Tabled in Finance (22-Y 0-N)	2/7/2005
Support (053080492) Summary: Repeals the car tax reimbursement program and replaces it by dedicating 17.5 percent of the state individual income tax collections to localities. The bill is effective January 1, 2007, and only if a Constitutional amendment is ratified in November, 2006 exempting from taxation all motor vehicles used for nonbusiness purposes.		
HB 2095 - Hugo (40) Traffic signals; extends sunset on use of photo-monitoring systems.	2/4/2005 House: Tabled in M., P. & P. S. (12-Y 9-N)	1/24/2005
Support (059657332) - Regional position included in Program. Summary: Postpones the July 1, 2005, "sunset" on local "photo-red" programs to July 1, 2007.		
HB 2096 - Hugo (40) Direct recording electronic machines; moratorium on purchases.	2/4/2005 House: Stricken from docket by P. & E. (17-Y 0-N)	1/24/2005
Oppose (050303332) Summary: Prohibits localities from purchasing any direct recording electronic machines from the effective date of the act to January 1, 2006, unless the joint subcommittee established by House Joint Resolution No. 174 adopted by the General Assembly at the 2004 Regular Session approves the purchase. Emergency.		

Failed Bills with Fairfax County Positions

Bills	General Assembly Actions	Date of BOS Position
HB 2097 - Hugo (40) Aggrieved party or person; definition as used throughout Code.	1/21/2005 House: Stricken from docket by C. J. (20-Y 0-N)	2/7/2005
<p>Monitor (050424332) - Board has historically opposed; monitor such legislation in the future.</p> <p>Summary: Confers associational standing in Virginia as articulated in Hunt v. Washington Apple Advertising Commission, 432 U.S. 333 (1977). Virginia currently follows the common law rule that the person seeking standing must have an immediate, pecuniary, and substantial interest in the litigation, and not a remote or indirect interest. Unlike federal law, the injury to an individual of an association does not vest in the association.</p>		
HB 2099 - Hugo (40) Transportation Investment Bond Act of 2005; created.	2/1/2005 House: Reported from Tra. w/sub (20-Y 0-N) 2/2/2005 House: Incorporated by App. (HB2771-Callahan)	2/7/2005
<p>Support (053040332)</p> <p>Summary: Provides long-term funding of transportation projects throughout the Commonwealth by dedicating all insurance license tax revenues for such purpose. The Commonwealth Transportation Board is authorized to issue revenue bonds using no more than one-third of the insurance license tax revenues for debt service on the bonds. The amount of insurance license tax revenues not used for debt service, plus the proceeds of the bonds, are allocated to each highway construction district for transportation projects on a pro rata basis according to population. The transportation projects to be funded shall be determined by the Commonwealth Transportation Board.</p>		
HB 2104 - McQuigg (51) Long-term care; preadmission screenings.	1/18/2005 House: Reported from H. W. I. w/amendment (22-Y 0-N) 1/21/2005 House: VOTE: PASSAGE (95-Y 0-N 1-A) 2/17/2005 Senate: Stricken at request of patron in Ed. & Health (14-Y 0-N)	2/28/2005
<p>Support w/ Amend. (051378412-E) - Support with amendment that would provide that only the local agency designated by the Virginia Department for the Aging may not participate in screenings in which they could become the service provider.</p> <p>Summary: Provides that nurses, social workers, and physicians who are employees of a local area agency on aging may be part of the team to conduct Medicaid nursing home preadmission screenings. Employees of the Department of Health, the local department of social services or local area agency on aging may not participate in screenings in which they could become the service provider.</p>		

Failed Bills with Fairfax County Positions

Bills	General Assembly Actions	Date of BOS Position
HB 2142 - Joannou (79) Clients' Protection Fund; assessment on uninsured attorneys.	1/28/2005 House: Reported from C. J. with substitute (12-Y 7-N) 2/3/2005 House: VOTE: PASSAGE (73-Y 23-N) 2/21/2005 Senate: Left in Courts of Justice	1/24/2005
<p>Amend (053703352) - Amend to exempt Commonwealth Attorneys and local government attorneys. Summary: Requires the Virginia State Bar to assess attorneys who are licensed to practice law in Virginia and engaged in the active practice of law but are not covered by a legal malpractice insurance policy or by the risk management program adopted by the Division of Risk Management \$1,500 annually, to be deposited into the Clients' Protection Fund. The requirement does not apply to government attorneys; attorneys employed solely as in-house counsel for a corporation or other business entity; attorneys registered as lobbyists; and other attorneys who do not normally represent the general public.</p>		
HB 2152 - Amundson (44) Zoning appeals, boards of; changes in provisions.	1/28/2005 House: Reported from C. C. T. with sub (22-Y 0-N) 2/1/2005 House: Rereferred to Counties, Cities and Towns 2/4/2005 House: Incorporated in C.C.T. (HB2159-Reese) (22-Y 0-N)	2/7/2005 1/24/2005
<p>Monitor (051750212-H1) - Bill incorporated into substitute version of HB 2159. Oppose (051203212) Summary: Rewrites the criteria for instances in which a local zoning ordinance may allow a zoning administrator to grant modifications to certain zoning ordinance requirements.</p>		
HB 2157 - Nutter (7) School property; allows school boards to deem as surplus property.	2/1/2005 House: Stricken from docket by General Laws (22-Y 0-N)	2/7/2005
<p>Support w/ Amend. (058936436) - Support with amendment to require the School Board to declare property surplus before it must be conveyed to the governing body. Summary: Amends the current surplus property procedures to require school boards to transfer real property that, for a period of six months, has been vacant or is no longer used for educational purposes directly to the relevant local governing body. The property is automatically deemed surplus property upon expiration of the six-month period.</p>		

Failed Bills with Fairfax County Positions

Bills	General Assembly Actions	Date of BOS Position
HB 2167 - Reese (67) Affordable housing; localities prohibited from requesting or receiving contributions.	2/4/2005 House: Reported from C. C. T. with sub (18-Y 4-N) 2/8/2005 House: VOTE: PASSAGE (73-Y 24-N) 2/15/2005 Senate: Stricken at request of Patron in L.G. (15-Y 0-N)	2/7/2005 1/24/2005
<p>Monitor (SUBSTITUTE) - Bill has been amended to address County concerns; however, the County continues to oppose efforts that adversely impact affordable housing. Similar to SB 1206 (Mims). Oppose Unless Amended (059065484) - Oppose unless amended to delete the comprehensive plan portion of the bill and to provide that contributions to affordable housing may continue to be received pursuant to a rezoning proffer.</p> <p>Summary: Provides that notwithstanding any other provision of law, no locality may adopt an affordable housing program, or implement an existing program, after January 1, 2005, pursuant to §§ 15.2-2304 or 15.2-2305, or as part of a comprehensive plan pursuant to § 15.2-2223, that provides that a developer pay an affordable housing contribution as part of an approval using a (i) special exception, (ii) special use permit, (iii) site plan or (iv) subdivision process. The bill does not apply to not-for-profit developers.</p>		
HB 2276 - Oder (94) Retail petroleum products sales facility; required by ordinance to remove and restore site.	2/4/2005 House: Stricken from docket by C. C. T. (22-Y 0-N)	2/7/2005
<p>Support (052103444) - Similar to SB 1199.</p> <p>Summary: Authorizes any locality to provide by ordinance that the owner of improvements at a motor fuels retail facility, within three years after the premises cease to be used as such a facility, shall remove all improvements and grade the surface, and thereafter shall maintain the surface in a natural or vegetated state until another use is established on the site.</p>		
HB 2347 - Marshall (13) Abortion clinics; localities to adopt ordinance requiring license.	1/28/2005 House: Reported from C. C. T. with amendments (14-Y 8-N) 2/2/2005 House: VOTE: PASSAGE (60-Y 36-N) 2/17/2005 Senate: Left in Education and Health	2/7/2005
<p>Oppose (053151396)</p> <p>Summary: Authorizes localities to adopt an ordinance requiring local licensing of abortion clinics. No person shall own, establish, conduct, maintain, manage or operate in an abortion clinic in any locality that has adopted such ordinance without obtaining a local license. Any requirements of licensure pursuant to such ordinance shall be in addition to, not in lieu of, any other requirements imposed on such facilities by law or Board of Health regulation. "Abortion clinic" is defined as any facility, other than a hospital as defined in § 32.1-123, in which 25 or more first trimester abortions are performed in any 12-month period.</p>		

Failed Bills with Fairfax County Positions

Bills	General Assembly Actions	Date of BOS Position
<u>HB 2350</u> - Marshall (13) Abortion clinics; subject to provisions of Consumer Protection Act, prohibited acts and practices.	1/27/2005 House: Referred to Committee for Courts of Justice 2/4/2005 House: Tabled in Courts of Justice (19-Y 1-N)	2/7/2005
Oppose (054110396) Summary: Provides that abortion services are consumer transactions subject to the provisions of the Virginia Consumer Protection Act, and declares that the performance of an abortion under specified circumstances is unlawful. Prohibited acts or practices include performing abortions at facilities that do not comply with requirements relating to facility cleanliness, sterilization, fire protection, evacuation, staff credentials, equipment, maintenance of facilities and equipment, and allowable procedures, and facility procedures and policies.		
<u>HB 2354</u> - Hull (38) Local government taxing authority; equalizing county and city powers.	2/2/2005 House: Passed by indefinitely in Finance (16-Y 4-N)	1/24/2005
Support (059869336) - Board has historically supported. Summary: Eliminates the express prohibition that keeps county governments from exercising certain powers generally provided to cities and towns, and specifically grants counties the power generally exercised by cities and towns to impose those taxes that are not prohibited by state law.		
<u>HB 2453</u> - Suit (81) Real estate assessments; consideration of federal or state restrictions.	2/2/2005 House: Tabled in Finance (22-Y 0-N)	1/24/2005
Oppose (056098520) Summary: Provides that (i) certain federal or state restrictions on real property be considered in determining the fair market value and the capitalization rate for the real property, and (ii) federal and state income tax credits with respect to real property shall not be considered real property or income attributable to real property.		
<u>HB 2517</u> - O'Bannon, III (73) Graffiti; felony for permanent damage, penalty.	1/28/2005 House: Tabled in Courts of Justice (17-Y 2-N)	1/24/2005
Support (059051312) Summary: Creates a Class 6 felony for destroying, defacing, or damaging property if the damage to the property is permanent, irrespective of value.		

Failed Bills with Fairfax County Positions

Bills	General Assembly Actions	Date of BOS Position
<u>HB 2585</u> - Cosgrove (78) Procurement Act, Public; preferences for road construction firms.	2/1/2005 House: Tabled in General Laws (22-Y 0-N)	2/7/2005
Monitor (053623276) Summary: Provides that in awarding contracts for road construction where the amount of the contract is in excess of \$500,000, the Virginia Department of Transportation (VDOT) shall give consideration to the beneficial effect of the award on Virginia's economy. As stated in the terms and conditions of the solicitation, VDOT shall award a three percent preference to any road construction firm or corporation with facilities located in Virginia.		
<u>HB 2626</u> - Byron (22) Business Assistance and Workforce Services, Department of; created.	2/1/2005 House: Rep. from C. & L. w/ sub (21-Y 0-N) 2/5/2005 House: VOTE: BLOCK VOTE PASSAGE (96-Y 0-N) 2/21/2005 Senate: Failed to report (defeated) in C. & L. (5-Y 8-N 2-A)	2/28/2005
Support (054214256-H1) - Endorsed by the Northern Virginia Workforce Investment Board. Summary: Transfers responsibility for administering the workforce training programs under Title I of the Workforce Investment Act from the Virginia Employment Commission to the Department of Business Assistance, which is renamed the Department of Business Assistance and Workforce Services. The local program delivery structure remains intact while planning, funding, and reporting activities will be coordinated at the state level.		
<u>HB 2684</u> - Lingamfelter (31) Fire Prevention Code; regulations concerning possession, handling, etc. or use of firearms.	2/1/2005 House: Tabled in General Laws (22-Y 0-N)	1/24/2005
Oppose (055026380) Summary: Provides that local governments may not adopt regulations more stringent than the state Fire Prevention Code that would affect the possession, transportation, handling, storage, sale, or use of firearms or small arms ammunition, including smokeless powder, black powder, and primers.		
<u>HB 2698</u> - Sickles (43) Truck parking; allows Fairfax County and towns within its boundaries to limit.	2/1/2005 House: Failed to report (defeated) in Tra. (8-Y 9-N)	1/24/2005
Support (059180510) - Board has historically supported. Summary: Authorizes Fairfax County and the towns within its boundaries to limit the parking of trucks with gross vehicle weight ratings between 8,000 and 12,000 pounds to one such vehicle per dwelling, provided that such vehicle is registered to an address on a street located within the residential district.		

Failed Bills with Fairfax County Positions

Bills	General Assembly Actions	Date of BOS Position
<u>HB 2728</u> - Scott (53) Campaign finance disclosure; candidates/incumbents for local office to report large contributions.	2/4/2005 House: Stricken from docket by P. & E. (17-Y 0-N)	1/24/2005
Support (050259500) - Similar to SB 1080 (Ticer). Summary: Changes the deadline for filing the required reports to the end of the fifteenth, rather than fifth, day following receipt of the contribution. The bill also clarifies rules applicable to reporting aggregations of contributions.		
<u>HB 2742</u> - Reid (72) Clean Smokestack Act; created, report.	2/2/2005 House: Tabled in Agri., Chesapeake and Natural Res. (17-Y 5-N)	1/24/2005
Support (052087488) - Position included in Program. Summary: Establishes maximum limits for sulfur dioxide and nitrogen oxide emissions that are allowed to be released into the atmosphere from facilities with coal-fired electric generating units that produce at least 25 megawatts of electricity. These limits go into effect on May 1, 2011. Facilities located within 1,000 feet of an occupied dwelling or body of water must complete a refined modeling analysis to assess the effects of emissions from their facility on ambient concentrations of PM2.5, gaseous sulfur dioxide, and mercury in the area immediately surrounding the facility and compare them to established standards. This bill requires the Department of Environmental Quality to (i) develop a strategy to reduce mercury emissions from electric generating units and other sources and to conduct an analysis of the issues related to the development and implementation of standards and programs to control emissions of carbon dioxide (CO2) from coal-fired generating units and other stationary sources of air pollution; (ii) evaluate available control technologies; and (iii) estimate the benefits and costs of alternative strategies to reduce emissions of CO2.		
<u>HB 2893</u> - Scott (53) Telework Council; created, telecommuting tax credits for certain employers.	2/1/2005 House: Reported from Finance with sub (22-Y 0-N) 2/2/2005 House: Tabled in Science and Technology (15-Y 0-N)	2/7/2005
Support (053091500) Summary: Establishes the Commonwealth Telework Council to advise Governor on guidelines for telecommuting and participation in alternative work schedules. The Council expires on July 1, 2007.		

Failed Bills with Fairfax County Positions

Bills	General Assembly Actions	Date of BOS Position
HB 2915 - Eisenberg (47) Probationers & parolees; Bd. of Corrections to license community-based facilities for care thereof.	2/4/2005 House: Tabled in Counties, Cities & Towns (17-Y 5-N)	2/7/2005
Oppose (056092528) Summary: Gives the Board of Corrections the authority to license community-based or privately operated residential facilities or group homes for the purpose of housing and providing for the temporary care of probationers and parolees who were convicted of non-violent offences. The bill also restricts zoning ordinances from (i) impeding the integration of formerly incarcerated persons into the community, or (ii) excluding the use of residential transitional housing for formerly incarcerated persons where such multioccupancy dwellings or facilities are already permitted for other purposes.		
HJ 616 - Carrico, Sr. (5) Constitutional amendment; assessment of real property (first reference).	2/4/2005 House: Tabled in Privileges & Elections (18-Y 2-N)	1/24/2005
Oppose (050566264) - Board has historically opposed. Estimated impact of \$70 million in FY 2005; same as SJR 329. Summary: Provides that beginning with the 2008 tax year, real property shall be assessed for tax purposes at no more than 105 percent of the assessed value of such property in the preceding tax year. However, if real property is sold or improved, it shall be assessed at fair market value for the tax year in which such transaction or improvement occurs. The fair market value assessment shall then be subject to the five percent limitation in subsequent tax years until such time as the property is again sold or improved.		
HJ 820 - Brink (48) Constitutional amendment; exempts dwellings designed for continuous habitation (first reference).	2/4/2005 House: Reported from P. & E. w/amendment (20-Y 0-N) 2/8/2005 House: VOTE: ADOPTION #2 (53-Y 37-N) 2/8/2005 House: VOTE: ADOPTION (84-Y 12-N) 2/15/2005 Senate: Rereferred to Finance 2/17/2005 Senate: Left in Finance	2/28/2005
Monitor (059264248-E) - SJR 449 (Whipple) left in Senate Finance. Summary: Authorizes the General Assembly to enact legislation that will permit localities to exempt from property taxes up to the first \$100,000 of assessed value of real estate designed for continuous habitation, owned and occupied by the same individuals as their dwelling.		

Failed Bills with Fairfax County Positions

Bills	General Assembly Actions	Date of BOS Position
SB 701 - Houck (17) Pearl Harbor Memorial Flyway; designating portion of Route 95 in Fairfax County.	2/8/2005 Senate: Left in Transportation	1/24/2005
Oppose (050236740) Summary: Designates Interstate Route 95 at the Springfield Interchange in Fairfax County the "Pearl Harbor Memorial Flyway."		
SB 702 - Reynolds (20) Medical assistance services; eligibility for aged and disabled individuals.	1/13/2005 Senate: Reported from Education and Health (14-Y 0-N) 1/13/2005 Senate: Rereferred to Finance 2/1/2005 Senate: Reported from Finance with amendment (15-Y 0-N) 2/4/2005 Senate: VOTE: PASSAGE R (40-Y 0-N) 2/10/2005 House: Tabled in H. W. I. (15-Y 7-N)	2/28/2005 2/7/2005
Support (051061808-E) - Position included in Program. Support (051061808) — Position included in Program. Summary: Requires the state plan for medical assistance services to include a provision for payment of medical assistance for aged and disabled individuals with incomes up to 100 percent of the federal poverty guideline as permitted by federal law. An enactment clause provides that the provisions of this act will not become effective unless an appropriation of general funds effectuating its purposes is included in the 2005 general appropriations act.		
SB 758 - Locke (2) Firearms; localities may adopt an ordinance that prohibits any combination thereof in libraries.	1/25/2005 Senate: Failed to report (defeated) in L. G. (5-Y 10-N)	1/24/2005
Support (051331750) - House version, HB 1785, PBI'd by House Militia, Police and Public Safety Committee. Summary: Provides that localities may adopt an ordinance that prohibits firearms, ammunition, or components or combination thereof, in libraries that are owned or operated by the locality.		
SB 780 - Mims (33) Traffic signals; extends sunset on use of photo-monitoring systems.	1/14/2005 Senate: Reported from Transportation (14-Y 1-N) 1/19/2005 Senate: VOTE: PASSAGE (32-Y 8-N) 2/18/2005 House: Passed by indefinitely in M., P.& P. S. (11-Y 10-N)	1/24/2005
Support (053384772) - Regional position included in Program. Summary: Postpones the July 1, 2005, "sunset" on local "photo-red" programs to July 1, 2007.		

Failed Bills with Fairfax County Positions

Bills	General Assembly Actions	Date of BOS Position
<u>SB 850</u> - Cuccinelli, II (37) Firearms; carrying on public property.	1/31/2005 Senate: Rereferred to Rules 2/8/2005 Senate: Left in Rules	1/24/2005
Monitor (057930720) Summary: Declares that no person who lawfully possesses a firearm shall be prohibited from carrying such firearm on public property or the buildings thereon unless specifically prohibited by law.		
<u>SB 878</u> - Wampler, Jr. (40) Line of Duty Act; funding of continued health insurance and death payment of benefits thereunder.	2/2/2005 Senate: Reported from Finance with substitute (15-Y 0-N) 2/7/2005 Senate: VOTE: PASSAGE R (40-Y 0-N) 2/21/2005 House: Left in Appropriations	2/28/2005 1/24/2005
Monitor (052976836-S1) - Bill has been amended to allow localities the option to opt out of the payment to the state Line of Duty fund; estimated impact of local opt out is \$1.3-\$1.8 million, but difficult to assess. Amend (052904836) - Amend to ensure localities have the option to opt out of the payment to the state Line of Duty fund; estimated impact of local opt out is \$1.3-\$1.8 million, but difficult to assess. Summary: Provides for funding of continued health insurance and death benefit payments for eligible state employees under the Line of Duty Act from employer contributions to a Line of Duty Act Fund administered by the Virginia Retirement System. The Retirement System shall set the rate of annual employer contributions. All payments for continued health insurance and death benefits payments for eligible state employees shall be made from the Fund. In general, health insurance coverage under the Line of Duty Act shall be the basic health insurance plan for state employees. The continued health insurance coverage shall also apply to individuals disabled on or after April 8, 1972 but before July 1, 2000, and their surviving spouses and dependents. The bill also provides that payments for eligible local employees under the Line of Duty Act shall be made by the locality. A locality has the option of contributing to the Fund, or may elect not to participate and be responsible for self-funding the continued health insurance coverage and death benefit of local eligible employees. A locality shall have the option of providing continued health insurance coverage for persons disabled on or after April 8, 1972 but before July 1, 2000, and their surviving spouses and dependents. The bill moves the Line of Duty Act to Title 51.1, relating to pensions, benefits, and retirement.		

Failed Bills with Fairfax County Positions

Bills	General Assembly Actions	Date of BOS Position
SB 1072 - Cuccinelli, II (37) Dulles Corridor Rapid Transit Proj.; referendum in Fairfax to prohibit appropri. revenue for project.	1/18/2005 Senate: Failed to report (defeated) in P. & E. (3-Y 12-N)	1/24/2005
Oppose (050275720) - Bill was killed in Senate Privileges and Elections Committee. Summary: Provides for a binding referendum at the November 2005 election in Fairfax County on the question: "Shall the Fairfax County Board of Supervisors be prohibited from committing or appropriating County revenues and funds to the Dulles Corridor Rapid Transit Project?" If a majority of the voters vote yes, the Board will be prohibited from committing or appropriating county revenues to the Project beyond amounts legally committed prior to the effective date of the act.		
SB 1099 - Whipple (31) Motor fuels tax; additional imposition in Northern Virginia transportation district.	2/2/2005 Senate: Reported from Finance (13-Y 0-N 2-A) 2/7/2005 Senate: VOTE: PASSAGE (28-Y 10-N 1-A) 2/7/2005 Senate: VOTE: PASSAGE (28-Y 9-N 1-A) 2/7/2005 Senate: VOTE: RECONSIDER (39-Y 0-N) 2/14/2005 House: Tabled in Finance (17-Y 4-N)	1/24/2005
Support (056674844) - Regional position included in Program. Summary: Increases from two to four percent the sales tax on fuels in every county or city situated in the Northern Virginia Transportation District.		
SB 1100 - Whipple (31) Local government taxes; equalizes city and county authority, penalty.	2/8/2005 Senate: Left in Finance	1/24/2005
Support (056675844) - Board has historically supported. Summary: Equalizes city and county taxing authority by granting counties the same authority available to cities.		
SB 1137 - Hanger, Jr. (24) Cigarettes; tax increased.	2/8/2005 Senate: Left in Finance	1/24/2005
Monitor (056181732) Summary: Allows counties to impose a local cigarette tax at the state cigarette tax per pack, which is \$0.30 per pack on and after July 1, 2005. The cigarette tax imposed by a city or town shall not exceed \$0.30 per pack, unless the city or town had a higher rate in effect on December 1, 2004, in which case the city or town may impose a cigarette tax at that rate but not higher.		

Failed Bills with Fairfax County Positions

Bills	General Assembly Actions	Date of BOS Position
SB 1199 - Williams (1) Retail petroleum products sales facility; required by ordinance to remove and restore site.	2/8/2005 Senate: Left in Local Government	2/7/2005
<p>Support (054172848) - Similar to HB 2276.</p> <p>Summary: Authorizes any locality to provide by ordinance that the owner of improvements at a motor fuels retail facility, within three years after the premises cease to be used as such a facility, shall remove all improvements and grade the surface, and thereafter shall maintain the surface in a natural or vegetated state until another use is established on the site.</p>		
SB 1206 - Mims (33) Affordable housing; localities prohibited from requesting or receiving contributions.	2/1/2005 Senate: Rep. from L. G. w/sub (8-Y 7-N) 2/7/2005 Senate: VOTE: RECONSIDER (40-Y 0-N) 2/8/2005 Senate: VOTE: PASSAGE (24-Y 16-N) 2/18/2005 House: Stricken at request of Patron in C. C. T. (22-Y 0-N)	2/28/2005 1/24/2005
<p>(052775772-S1) - Continue to oppose efforts that adversely impact affordable housing in the region. Similar to HB 2167. Oppose Unless Amended (053277772) — Oppose unless amended to delete the comprehensive plan portion of the bill and to provide that contributions to affordable housing may continue to be received pursuant to a rezoning proffer.</p> <p>Summary: Provides that, notwithstanding any other provision of law, a locality shall adopt or implement an affordable housing program after January 1, 2005, that provides for a developer to pay a contribution as a part of approval using a (i) special exception, (ii) special use permit, (iii) site plan or (iv) subdivision process. However, localities may do so through bonus density. The bill does not apply to not-for-profit developers. The provisions expire on July 1, 2006.</p>		
SB 1240 - Whipple (31) Clean Streams Act, and Clean Streams Advisory Commission; created, report.	2/8/2005 Senate: Left in A. C. & N. R.	1/24/2005
<p>Oppose (056652844)</p> <p>Summary: Requires localities to assess residences connected to a municipal sewer system, septic system, or other wastewater treatment system \$52 per year, and industrial facilities connected to a municipal sewer system \$1,200 per year. Localities are to develop criteria to exempt persons who can demonstrate financial hardship. The money collected is deposited into the Water Quality Improvement Fund and is to be disbursed for the design and installation of state-of-the-art nutrient removal technology and for agricultural best management practices. Each locality can withhold up to \$50,000 or three percent of the money due to cover their administrative costs. The bill creates the 10-member Virginia Clean Streams Advisory Commission. The Commission's purpose is to review, comment, and advise the Departments of Environmental Quality and Conservation and Recreation on the implementation of the Virginia Clean Streams Act.</p>		

Failed Bills with Fairfax County Positions

Bills	General Assembly Actions	Date of BOS Position
SB 1335 - O'Brien (39) Communications services; various revisions to taxation thereof.	2/7/2005 Senate: Left in Commerce and Labor (12-Y 0-N)	2/7/2005
<p>Monitor (054566784) - Similar to HB 2880.</p> <p>Summary: Completely revises the taxation of communications services as follows: Applies a statewide communications sales and use tax to retail communication and video services on a competitively neutral basis. The communications sales and use tax rate will be 5% on the following: Local Exchange, Paging, Inter-Exchange, Cable Television, (Both Interstate and Intrastate) Satellite Television, Wireless, and Voice over the Internet (VoIP). A \$0.75 "911 Tax" will be applied to each local exchange line (landline) and the current \$0.75 "911 Fee" will continue to be applied to each wireless number. The state communications sales and use tax and state 911 fees and taxes replace the following currently billed taxes: Local Consumer Utility Tax (LCUT), Local Gross Receipts Tax (BPOL) - (Only the portion above 0.5% currently billed to customers, where applicable), Local E-911, Virginia Relay Fee, and Cable Franchise Fee. A statewide Rights-of-Way Use Fee will be applied to all cable TV service lines as is currently applied on all local exchange telephone lines. The rate of the fee will be the same as determined annually by the Virginia Department of Transportation in accordance with 56-468.1 of the Virginia Code. The sales and use tax, 911 tax and the cable rights-of-way fee assessed on consumers of video services from a single provider will be remitted to the Virginia Department of Taxation who will administer the distribution of the Communications Sales and Use Tax Trust Fund within 30 days of receipt of the collections for a given month. The rights-of-way use fee assessed on consumers of both cable video services and voice services from a single provider will be remitted in accordance with 56-468.1 (I). 911 Fees will be remitted directly to the Wireless 911 Board for administration. The redistribution of taxes and fees is intended to be revenue neutral to localities and the Wireless 911 Board and shall cover the current cost of the Virginia Relay Center.</p>		
SJ 85 - Hanger, Jr. (24) Constitutional amendment; assessment of real property (first reference).	12/13/2004 Senate: Left in P. & E.	1/24/2005
<p>Oppose (042969732) - Board has historically opposed. Estimated impact of \$111 million in FY 2005; same as SJR 384.</p> <p>Summary: Provides that beginning with the 2008 tax year, real property shall be assessed for tax purposes at no more than 102 percent of the assessed value of such property in the preceding tax year. However, if real property is sold, transferred, improved, or rezoned at the owner's request, it shall be assessed at fair market value for the tax year in which such event occurs. Such fair market value assessment shall then be subject to the two percent limitation in subsequent tax years until such time as the property is again sold, transferred, improved, or rezoned at the owner's request.</p>		

Bills	General Assembly Actions	Date of BOS Position
<u>SJ 329</u> - Wampler, Jr. (40) Constitutional amendment (first resolution); assessment of real property.	2/1/2005 Senate: Incorporated by P.& E. (SJ384-Hanger) (15-Y 0-N)	1/24/2005
<p>Oppose (052914836) - Board has historically opposed. Estimated impact of \$70 million in FY 2005; same as HJR 616. Local option would be adverse due to elimination of uniform equity and possible skewing of statewide funding formulae that consider property valuation.</p> <p>Summary: Provides that a county, city, or town may enact an ordinance allowing real estate to be assessed at (i) fair market value or (ii) no more than 105 percent of the assessment of the property the preceding tax year, whichever is lower. If such an ordinance is adopted, the same factor for increasing assessments of real estate within the locality's geographical boundaries must be used for all properties assessed using other than the fair market value. If property is sold or improved, it shall be assessed at the fair market value for the tax year in which the sale or improvement takes place, and that assessment will be the basis for determining the assessment in the succeeding tax year.</p>		
<u>SJ 384</u> - Hanger, Jr. (24) Constitutional amendment; assessment of real property (first reference).	2/1/2005 Senate: Rereferred to Finance 2/8/2005 Senate: Left in Finance	1/24/2005
<p>Oppose (050267732) - Board has historically opposed. Estimated impact of \$111 million in FY 2005; same as SJR 85.</p> <p>Summary: Provides that beginning with the 2008 tax year, real property shall be assessed for tax purposes at no more than 102 percent of the assessed value of such property in the preceding tax year. However, if real property is sold, transferred, improved, or rezoned at the owner's request, it shall be assessed at fair market value for the tax year in which such event occurs. Such fair market value assessment shall then be subject to the two percent limitation in subsequent tax years until such time as the property is again sold, transferred, improved, or rezoned at the owner's request.</p>		
<u>SJ 440</u> - Whipple (31) Analysis of Potential for Alternate Ded. Revenue Serv. for WMATA.	2/4/2005 Senate: Reported from Rules with substitute 2/8/2005 Senate: Agreed to by Senate by voice vote 2/16/2005 House: Tabled in Rules (15-Y 0-N)	2/7/2005
<p>Support w/ Amend. (056350844) - Support as amended.</p> <p>Summary: Expresses the support of the General Assembly for the recommendations of the Panel on the Analysis of and Potential for Alternate Dedicated Revenue Sources for the Washington Metropolitan Area Transit Authority. The resolution also urges the Governor of Virginia to work with the Governor of the State of Maryland, the Mayor of the District of Columbia and federal officials to make the development of an implementation plan for the Panel's recommendations a top priority for introduction at the 2006 Regular Session of the General Assembly.</p>		

Section III

OTHER LEGISLATION OF COUNTY INTEREST

Constitutional Amendments	76
Education	77
Elections.....	78
Eminent Domain	79
Environment.....	80
Finance/Taxation	81
Freedom of Information/Access to Public Records.....	84
Gangs	85
General Government	86
Health and Human Services	88
Land Use	96
Personnel	101
Procurement	101
Public Safety	103
Science and Technology.....	104
Transportation	104
Other.....	107
Studies.....	107

CONSTITUTIONAL AMENDMENTS

The following first resolution Constitutional Amendments passed:

HJR586 (Cosgrove)/**SJR337** (Newman) provides that "only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions." The proposed amendment also prohibits the Commonwealth and its political subdivisions from creating or recognizing a legal status "for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage." Further, the proposed amendment prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage." This resolution incorporates HJRs 584 and 615; the constitutional amendment proposed in HJR586 is identical to that as passed in SJR337.

HJR633 (Ingram)/ **SJR275** (Edwards) authorizes the General Assembly to enact legislation that will permit localities to provide a partial exemption from real property taxation for real estate and associated new structures and improvements in conservation, redevelopment, or rehabilitation areas. This was a First Cities initiative.

SJR339 (Mims) deletes language that prohibits the General Assembly from granting charters of incorporation to churches. This prohibition was held to be unconstitutional in 2002 by the United States District Court for the Western District of Virginia in *Falwell v. Miller* (203 F.Supp. 2d 624). The Court held that the prohibition against incorporation of churches violated the plaintiff church's First Amendment rights to the free exercise of religion; since that case, the State Corporation Commission has granted charters to churches. This amendment deletes the now obsolete language and effects no change in current law on the powers of the General Assembly.

The following first resolution Constitutional Amendments failed:

Assessments of Real Property

HJR616 (Carrico) would have provided that, beginning with the 2008 tax year, real property be assessed for tax purposes at no more than 105 percent of the assessed value of such property in the preceding tax year. However, if real property was sold or improved, it would have been assessed at fair market value for the tax year in which such transaction or improvement occurs. The fair market value assessment would have then been subject to the five percent limitation in subsequent tax years until such time as the property is again sold or improved. The resolution was tabled in Privileges and Elections.

SJR85 (Hanger) would have provided that, beginning with the 2008 tax year, real property be assessed for tax purposes at no more than 102 percent of the assessed value of such property in the preceding tax year. However, if real property was sold, transferred, improved, or rezoned at the owner's request, it would have to be assessed at fair market value for the tax year in which such event occurs. Such fair market value assessment would then be subject to the two percent limitation in subsequent tax years until such time as the property is again sold, transferred, improved, or rezoned at the owner's request. The bill was left in Committee.

SJR329 (Wampler) would have provided that a county, city, or town may enact an ordinance allowing real estate to be assessed at (i) fair market value or (ii) no more than 105 percent of the assessment of the property the preceding tax year, whichever is lower. If such an ordinance was adopted, the same factor for increasing assessments of real estate within the locality's geographical boundaries must be used for all properties assessed using other than the fair market value. If property was sold or improved, it shall be assessed at the fair market value for the tax year in which the sale or improvement takes place, and that assessment would be the basis for determining the assessment in the succeeding tax year. This resolution was incorporated into SJR 384.

SJR384 (Hanger) would have provided that, beginning with the 2008 tax year, real property shall be assessed for tax purposes at no more than 102 percent of the assessed value of such property in the preceding tax year. However, if real property was sold, transferred, improved, or rezoned at the owner's request, it would have to be assessed at fair market value for the tax year in which such event occurs. Such fair market value assessment would then be subject to the two percent limitation in subsequent tax years until such time as the property is again sold, transferred, improved, or rezoned at the owner's request. The resolution was left in the Senate Finance Committee.

"Homestead Exemption"

HJR820 (Brink)/**SJR449** (Whipple) would have authorized the General Assembly to enact legislation that will permit localities to exempt from property taxes up to the first \$100,000 of assessed value of real estate designed for continuous habitation, owned and occupied by the same individuals as their dwelling. The House resolution passed the House but was left in the Senate Finance Committee, the same fate as SJR449.

HJR537 (Carrico) would have amended the current religious freedom provisions of the Virginia Constitution to "secure further the people's right to acknowledge God"; to permit prayer and the recognition of "religious beliefs, heritage, and traditions on public property, including public schools"; and to prohibit the Commonwealth and its political subdivisions, including public school divisions, from composing school prayers or requiring individuals to "join in prayer or other religious activity." Despite passage by the House, the resolution failed 5-10 in the Senate Courts of Justice Committee after being rereferred from the Privileges and Elections Committee. The bill received extensive press coverage.

EDUCATION

The following bills passed:

HB1762 (Dillard)/**SB779** (Potts) revises the Standards of Quality (SOQ) to require local school boards to (i) provide for data collection and analysis and to use such results in instructional program evaluation; (ii) implement any actions identified through the academic review of schools accredited with a warning; (iii) analyze and report annually the results of industry certification examinations; (iv) annually review their professional development programs; and (v) report compliance with the SOQ annually to the Board of Education (BOE). In addition, the bill (i) increases from 10 to 17 the full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency; (ii) provides that teacher, administrator, and superintendent evaluations shall be consistent with the performance objectives included in the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators, and Superintendents developed by the BOE; (iii) replaces Board- and locally-adopted six-year statewide or divisionwide plans, as the case may be, (including those for educational technology) with "comprehensive" statewide or divisionwide plans; and (iv) replaces individual school six-year plans with "comprehensive" plans. The Board requested the legislation in order to deal with school boards that refuse to implement state accountability standards.

HB1769 (Dillard) creates a 23-member Commission on Civics Education, comprised of the Governor, Lieutenant Governor, legislators, executive branch officials, and non-legislative citizens. The Commission is to, among other things, (i) identify civic education projects in the Commonwealth and provide technical assistance as may be needed, (ii) build a network of civic education professionals to share information and strengthen partnerships, and (iii) make recommendations to the BOE regarding revisions to the Standards of Learning (SOL) for civics and government. One of the bill's purposes is to promote the study of the State and local governments among the citizenry. The article shall expire in 2008.

HB2535 (Ingram) allows the holder of a valid concealed handgun permit to possess a handgun on school property while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to the school.

HB2602 (Landes)/**SB1136** (Hanger) directs the BOE to seek waivers from compliance with provisions of the No Child Left Behind (NCLB) Act that (i) are in conflict with Title IX, Section 9527 (a) of the federal Code, which prohibits federal authorities from mandating, directing, or controlling state or local allocation of resources and from mandating state or local expenditure of funds or incursion of any costs not paid for under the Act; (ii) are duplicative of the Standards of Quality, Standards of Learning, and Standards of Accreditation; or (iii) are lacking in effectiveness. Further, the BOE is to examine the fiscal and other implications for the Commonwealth and its local governments in the event that Virginia continues its compliance with, or withdraws from participation in, the federal Act. The BOE must convey its findings from such examination to the House Committees on Education and Appropriations and the Senate Committees on Education and Health and Finance no later than October 1, 2005. The bill passes as emergency legislation. If certain waivers of the Act are not sought or granted by the U.S. Department of Education, Virginia has the option of withdrawing from receiving NCLB federal funds – approximately \$334 million (\$313 million to local school divisions).

The following bills failed:

HB1589 (Reese) would have permitted local school boards to enter into agreements with nonpublic schools in the school division to provide pupil transportation for a fee to and from the nonpublic schools. While passing the House, the bill failed in the Senate Education and Health Committee.

HB1942 (Saxman) would have created a tax credit to “promote educational opportunities” for children who are at risk of educational failure. Tax credits would have been awarded to business entities for eligible contributions made to eligible nonprofit tuition assistance grant funding organizations. The amount of the credit was 25 percent of the eligible contribution, not to exceed 75 percent of the tax liability of the business entity. The contributions could have been awarded as grants for students' tuition in public and nonpublic schools. The bill included a \$6 million cap on total tax credits awarded annually. The bill was left in Senate Finance.

HB2157 (Nutter) would have amended the current surplus property procedures to require school boards to transfer real property that, for a period of six months, had been vacant or was no longer used for educational purposes directly to the relevant local governing body. The property would have been automatically deemed surplus property upon expiration of the six-month period. The bill was stricken from the docket.

HB2613 (Hugo) would have prohibited local school boards from administering questionnaires or surveys to public school students during the regular school day or at school-sponsored activities if such questionnaires or surveys sought disclosure of (i) the parents' political affiliations or beliefs; (ii) the social security numbers of the parents or student, except as otherwise required for admission and enrollment; (iii) the sexual behavior and attitudes of the student as well as his family members; or (iv) critical assessments of family members. However, local school boards could have administered questionnaires and surveys to students during the regular school day or at school-sponsored activities when the questionnaire or survey (i) was designed to elicit information that would assist the school division in improving service to students within the division or within a particular school and (ii) did not include information that would personally identify the parent or student. Before administering any questionnaire or survey as permitted by this section, local school boards would have had to have made an affirmative finding as to the age-appropriateness of the questionnaire or survey.

ELECTIONS

The following bills passed:

HB2101 (Hugo)/**SB990** (Davis) requires a voter to remain in the polling place in the presence of the officers of election from the time that his name is marked on the pollbook as being present to vote and until he has cast his vote.

HB2383 (Barlow)/**SB898** (Norment) requires the Division of Risk Management to select counsel and the Commonwealth to pay the costs and legal fees associated with the defense of electoral board members and general registrar's staff in any legal or equitable action. Under current law, such costs and fees are not supported in actions that do not seek monetary damages.

The following bills failed:

HB2096 (Hugo) would have prohibited localities from purchasing any direct recording electronic machines from the effective date of the act to January 1, 2006, unless the joint subcommittee established by House Joint Resolution No. 174 adopted by the General Assembly at the 2004 Regular Session approved the purchase. Emergency.

EMINENT DOMAIN

The following bills passed:

HB2427 (Cole) prohibits condemnation of any property for compensatory wetlands mitigation unless (i) the property sought to be acquired is located within the same locality as the project affecting wetlands, or (ii) the governing body of the locality where the property sought to be acquired consents to its acquisition for such purpose. The prohibitions do not apply to property acquired by the Commonwealth Transportation Commissioner pursuant to its power of eminent domain.

SB301 (O'Brien) provides that if property acquired by the power of eminent domain is declared surplus within 15 years of the condemnor's being vested with title, the condemnor must offer to sell the property to the former owner at the original sale price plus interest at an annual rate of six percent, with price adjustments made for any improvements to the property.

The following bills failed:

HB822 (Drake) would have defined, for the purposes of housing authority law, "public use" to mean the possession, occupation, and enjoyment of land by the public at large, or by public agencies. The bill would have provided that to ensure the protection of the rights of private property owners, the government would not seize land from a property owner and turn it over to another on vague grounds of public benefit to spring from the more profitable use to which the latter may devote it. The benefiting of a private entity, whether by acquisition, purchase, or leaseback, would not have constituted a public use.

HB1806 (Marshall) would have amended the definition of "public uses" for which localities may exercise the power of eminent domain such that public use would not have included any condemnation of property by a locality that (i) was made with the intent of making the property available for ownership or use by a private entity unless any benefits that would have accrued to the private entity as a result of its ownership or use of the property were merely incidental when compared to the benefits that would have accrued to the public or (ii) was otherwise predominantly for a private purpose.

SB1269 (Locke) would have authorized housing authorities to acquire blighted commercial and industrial properties through the power of exercise of eminent domain. Currently, housing authorities may exercise such power for single- or multifamily dwelling units or structures.

SB1271 (Cuccinelli) would have amended the definition of "public uses" for which localities may exercise the power of eminent domain to exclude any condemnation of property by a locality that (i) was made with the intent of making the property available for ownership by a private entity, unless any benefits that would have accrued to the private entity as a result of its ownership were merely incidental when compared to the benefits that would have accrued to the public; or (ii) was otherwise predominantly for a private purpose. The bill would have further defined public use to exclude the receipt of taxes or other revenue by any government entity resulting from the condemnation of property.

ENVIRONMENT

The following bills passed:

HB1832 (Parrish) provides that any air pollution control regulation requiring the use of stage 1 vapor recovery equipment at gasoline dispensing facilities may be applicable only in areas that have been designated at any time by the U.S. Environmental Protection Agency as non-attainment for the pollutant ozone. Current regulations require the use of such equipment for those areas that have been designated at any time as non-attainment areas.

HB2777 (Louderback)/**SB1235** (Quayle) deposits \$50 million from the general fund into the Water Quality Improvement Fund on July 15, 2005. These moneys are to be used solely to finance the costs of design and installation of biological nutrient removal facilities or other nutrient removal technology at publicly owned sewage systems. The amount of financing available to the treatment facility will depend on the financial need of the community, to be determined by comparing the annual sewer charges expended within the service area to the reasonable sewer costs established for the community. Provisions are included that anticipate additional annual appropriations from the State general fund to the Fund for such grants and that additional annual appropriations shall be made until the State waters are cleaned up.

In addition, the moneys currently used to capitalize the Fund, 10 percent of the general fund surplus and 10 percent of the unreserved general fund balance, will be distributed in a different manner than is currently the case. Seventy percent of these moneys are to be used for implementing best management practices to reduce nitrogen and phosphorous non-point source pollution and 30 percent will be disbursed for designing and installing state-of-the-art nutrient removal technologies for publicly owned treatment works that are designated as significant dischargers. If available funding for point-source grants should fall below a certain level, then the 70/30 percent split shall not control and the split of any surplus revenues shall revert to approximately a 50/50 split of grant funds between point and non-point sources. These bills became the preferred method of providing some State funding for the cleanup of the Chesapeake Bay rather than the “flush tax” proposals, which failed [**HB2694** (Pollard)/**SB1240** (Whipple)].

HB2937 (Dillard) authorizes the Department of Conservation and Recreation to issue a special order to a locality that has not taken action to correct the manner in which it is administering its erosion and sediment control program. Those localities which have not initiated or implemented an approved corrective action agreement are subject to a civil penalty not to exceed \$5,000 per day with the maximum amount not to exceed \$20,000 per violation. Prior to issuing a special order, the Soil and Water Conservation Board is to conduct a formal hearing pursuant to the Administrative Process Act.

The following bills failed:

HB1631 (Van Yahres) would have provided that a local water supply emergency ordinance may limit the water usage of businesses to a specified percent of normal use; however, the ordinance shall not establish different percentages for different categories of businesses. All businesses would have been treated equally except that the ordinance may exclude certain businesses from all limitations for health and safety reasons.

HB2694 (Pollard)/**SB1240** (Whipple) would have required localities to assess residences connected to a municipal sewer system, septic system, or other wastewater treatment system \$52 per year, and industrial facilities connected to a municipal sewer system \$1,200 per year. Localities would have been required to develop criteria to exempt persons who could demonstrate financial hardship. The money collected was to have been deposited into the Water Quality Improvement Fund for disbursement for the design and installation of state-of-the-art nutrient removal technology and for agricultural best management practices. Each locality could have withheld up to \$50,000 or three percent of the money due to cover their administrative costs. The bill would have created the 10-member Virginia Clean Streams Advisory Commission. The Commission's purpose would have been to review, comment, and advise the Departments of Environmental Quality and Conservation and Recreation on the implementation of the Virginia Clean Streams Act. These bills were referred to as the “flush tax” bills. The General Assembly adopted a different funding approach by enacting HB2777 (Louderback) and SB1235 (Quayle).

SB1142 (Hanger) would have provided that \$20 million of recordation taxes collected each year be transferred to the Virginia Water Quality Improvement Fund. The Comptroller would have credited the \$20 million to the Fund after allocations would have been made for the \$40 million deposit to the U.S. Route 58 Corridor Development Fund and the \$40 million distribution to counties and cities, as currently required under law.

FINANCE/TAXATION

The following bills passed:

HB1638 (Callahan)/**SB708** (Chichester) reduces the rate of the State “food tax” to 1.5% beginning July 1, 2005. Under current law the rate of the tax on food is 3%, and is scheduled gradually to be reduced to 1.5% by July 1, 2007. The bills incorporate HBs 1634, 1635, 1875, 2017, 2339, and 2421. The 1% local government and 1% school “pennies” are not affected, nor is the transportation ½%.

HB2635 (Ebbin)/**SB1087** (Whipple) allows a local governing body to establish the interest rate applicable to deferred real estate tax payments, not to exceed the rate established by the Internal Revenue Code. Currently, interest for the deferred payment is set as the rate established by the Internal Revenue Code.

SB793 (Watkins) clarifies that the transient occupancy tax applies to charges for any room or space suitable or intended for dwelling, lodging, or sleeping purposes; the bill codified a recent opinion by the Attorney General and effectively prohibits the imposition of the tax on rooms or space rented for meetings and conferences.

SB867 (Chichester) requires the State Tax Commissioner to issue an annual report to the House Appropriations, the House Finance, and the Senate Finance Committees providing a comprehensive review of corporate tax relief in the Commonwealth during the preceding tax year. A preliminary report shall be submitted by December 1 of each year and a final report submitted by April 15 of the following year, starting in late 2006.

SB1052 (Wagner) allows the governing body of any county, city, or town to impose a penalty for the delinquent remittance of excise taxes on meals, lodging, or admissions collected from consumers, not to exceed 10 percent for the first month the taxes are past due and five percent for each month thereafter, not to exceed 25 percent of the amount of the taxes not remitted. Currently, the penalty for such delinquent remittance is limited to 10 percent.

SB1139 (Hanger) requires the fair market value of qualified donations under the Virginia Land Conservation Incentives Act of 1999 to be substantiated by a qualified appraisal, which must be signed by a qualified appraiser, and a copy of the appraisal must be submitted to the Department of Taxation. A false or fraudulent appraisal may lead to revocation of the appraiser’s license or other disciplinary action, and the future appraisals by the same appraiser may be disallowed. An aggregate capped limit of \$600,000 in tax credit for each parcel donated under the Act (which includes the sale of unused credits) was deleted from the original bill. Senator Hanger indicated that the cap limit will continue to be studied this year.

SB1219 (Stosch) provides that, for sales of tangible personal property to consumers making a gift to a person located in another state, a dealer registered to collect the tax in the recipient’s state may elect, with the approval of the Tax Commissioner, to collect the tax of the recipient’s state or that imposed by the Commonwealth. However, if the dealer is not registered to collect tax in the state in which the property is delivered, but is a registered dealer in the Commonwealth, the dealer shall collect the tax at the sales tax rate imposed by the Commonwealth. The bill also provides that an alternative means for determining the sales tax credit allowed for bad debts may be used by dealers meeting certain conditions.

Taxation Program for Elderly and Handicapped

SB844 (Deeds) allows a locality to exclude up to \$5,000 of permanent or temporary disability benefits of an owner when determining eligibility for its tax deferral programs. Currently, localities may allow an exclusion of up to \$10,000 for permanently disabled taxpayers. SB851 (Cuccinelli) was amended to conform to SB844.

SB1051 (Wagner) changes authorized local real estate tax relief programs by (i) authorizing counties, cities, and towns to use the locality's median adjusted gross income of its married residents (as published by the Weldon Cooper Center for Public Service of the University of Virginia) as a total income limit for eligibility, and (ii) authorizing counties, cities, and towns to adjust the current net financial worth limit for inflation. The bill originally changed the eligibility age from 65 to an individual's social security eligibility age for full retirement benefits – however, this was deleted by the House.

The following bills failed:

HB1490 (Tata) would have conformed the amount of Virginia estate tax due from an estate to be the maximum amount of federal tax credit for State death taxes as permitted under federal estate tax law. Under current law, the amount of Virginia estate tax cannot be less than the federal law as such law existed on January 1, 1978.

HB1504 (Shuler) would have required localities that impose the BPOL tax to (i) eliminate license fees by January 1, 2007, (ii) exempt the first \$100,000 of gross receipts from taxation by January 1, 2007, and (iii) reduce the several different rates currently in the Code to a flat rate of \$.20 cents per \$100 of gross receipts for license years beginning on and after January 1, 2006. Delegate Shuler has submitted similar legislation in past sessions; the bill was tabled in House Finance.

As passed by the House, **HB1654** (Lingamfelter) removed the cap on the overall amount of car tax relief and gradually increased the amount of relief to 100 percent of the reimbursable amount for qualifying vehicles over a six-year period. The bill incorporated HB 2257 and 1536, but was left on the State Finance docket.

HB1811 (Marshall) would have authorized Prince William County to provide a credit against real estate taxes paid by the owner of a home in the attendance zone of a school that the school board has declared to be overcrowded. The credit would have been for qualifying educational expenses paid during the taxable year on behalf of each child of the taxpayer who (i) was eligible to be enrolled in a public school free of charge pursuant to § 22.1-3 that the school board determines to be overcrowded, (ii) qualified as the taxpayer's dependent for federal income tax purposes, (iii) was a student at a qualified school in grades kindergarten through 12 during the taxable year, and (iv) did not attend a free public school during the semester or other portion of the school year for which such qualifying educational expenses were paid. In order for a public school to be considered "overcrowded" the school board would have had to determine that enrollment exceeded 110 percent of the capacity during the taxable year for which the taxpayer is applying for the credit. House Finance tabled the bill.

As passed by the House, **HB1838** (Parrish) limited the frequency of referendums on imposing a county food and beverage tax to once every three years. The bill originally allowed a repeal by referendum. The Senate did not allow the legislation out of committee,

As introduced, **HB2000** (Griffith) changed the name from license tax to gross receipts tax and repealed newspapers' exemption from the tax. It allowed localities to exempt newspapers from the BPOL tax provided they were exempt from the State sales tax. However, if the locality imposed the tax on newspapers, 50 percent of the revenues generated from the tax on newspapers had to be used for the locality's arts, cultural or tourist attractions. A related bill **HB2190** (Waldrup) was incorporated into the bill, but both were then tabled by House Finance.

Similar to legislation introduced last year by the patron, **HB2023** (Welch) would have restricted the imposition in any city or town having a population of 100,000 or more of any new meals tax or tax rate increase without approval by referendum. Designated special legislation, the bill required 67 votes for passage and was defeated 63-35 and again 63-34 in the House.

HB2066 (Rust) would have repealed the car tax reimbursement program and replaced it by dedicating 17.5 percent of the State's individual income tax collections to localities. The bill's effective date of January 1, 2007 would be valid only if a Constitutional amendment was ratified in November, 2006, to exempt from taxation all motor vehicles used for non-business purposes. The bill was tabled in House Finance.

Also tabled by House Finance, **HB2191** (Waldrup) created a tax to be imposed on newspaper publishers at the rate of \$0.01 on every newspaper published and delivered daily in the Commonwealth. The revenue generated was to be deposited into a special fund, the Environmental Newspapers Fund, to be used for environmental activities throughout the Commonwealth.

As passed by the House, **HB2232** (Gear) excluded from the sales price of meals all gratuities or service charges for purposes of calculating the sales and use tax and the local tax on meals. It was defeated 2-13 in the Senate Finance Committee.

The Senate Finance Committee left **HB2241** (O'Bannon) on its docket. The bill would have exempted from the BPOL tax the gross receipts that are received by an appraisal entity for real estate appraisal transactions when such amounts were paid to an appraiser affiliated with the appraisal entity as a fee and the appraiser pays the BPOL tax on such receipts. This was another "pass through" BPOL bill.

Also left in Senate Finance, **HB2340** (Putney) provided an exemption from local license fees and taxes at the locality's option to an entity that manufactures and sells the manufactured goods at the place they were manufactured. Under current law such exemption is restricted to the sale of such goods at wholesale.

All bills below were tabled by the House Finance Committee:

HB2356 (Watts) would have increased the tax on gasoline, diesel fuel, and alternative fuel by \$0.075 per gallon, increased the motor carrier road tax by an equivalent of \$0.075 per gallon of fuel used in the Commonwealth, and increased the alternative use fee for certain motor carriers from \$100 to \$150 (the fee is an alternative to paying the motor carrier road tax). All motor fuels taxes would have been indexed every two years beginning July 1, 2006, by an amount equal to the percentage change in the U.S. Department of Labor's Producer Price Index for Highway and Street Construction. The revenue generated would be used for transportation purposes as required by existing law.

HB2359 (Watts) would have allowed localities to impose a local income tax at a rate of either one-half or one percent upon the Virginia taxable income of individuals, trusts, estates, and corporations; provided the personal property tax rate does not exceed \$0.01 per \$100 of value on personally owned motor vehicles. A new classification for personal property tax purposes would be created for motor vehicles used for nonbusiness purposes.

HB2392 (Barlow) would have authorized all counties to impose a cigarette tax not to exceed \$0.50 per pack; Fairfax County's authority would have been repealed.

HB2432 (Hamilton) would have indexed the rate of tax on each gallon of motor fuel on July 1 of each even-numbered year by the percent change in the CPI-U as reported by the U.S. Department of Labor Bureau of Labor Statistics for the immediately preceding two years.

HB2453 (Suit) would have provided that (i) certain federal or state restrictions on real property be considered in determining the fair market value and the capitalization rate for the real property, and (ii) federal and state income tax credits with respect to real property shall not be considered real property or income attributable to real property. The bill could have had a significant negative impact on the County and a number of other urbanized localities.

HB2675 (Ebbin) would have designated motion pictures played in theatres as a separate class of events for purposes of imposing the local admissions tax.

HB2705 (Sickles) would have increased the gas tax by \$.07 per gallon. The bill would have been effective January 1 of the year immediately following the year in which a constitutional amendment would be adopted at a statewide referendum to prohibit the use of funds in the Transportation Trust Fund (TTF) for any purpose other than transportation.

The following bill was left in Appropriations after passing the Senate:

SB871 (Cuccinelli) provided that the Commonwealth's biennial appropriations start on July 1 of odd-numbered years beginning with the biennial appropriation act for the period July 1, 2009, through June 30, 2011. The bill required that the fiscal year beginning July 1, 2008, would be a single-year budget.

The following were left in Senate Finance:

SB1046 (Wagner) would have required localities to impose the flat license fees now authorized by current law on all businesses or no businesses. If such fees were imposed, then in calculating any license tax imposed on gross receipts, the locality must deduct from such gross receipts the threshold amount of gross receipts on which it imposes the tax.

SB1116 (Norment) effective July 1, 2006, would have restored the sales and use tax exemption for telecommunication companies that was eliminated in the 2004 Special Session I.

SB1135 (Hanger) would have conformed the Commonwealth's sales and use tax laws to the provisions of the Streamlined Sales and Use Tax Agreement. This casts doubt on Virginia's participation in the Agreement, if adopted nationally, at least in the near future.

SB1137 (Hanger) would have allowed counties to impose a local cigarette tax at the state cigarette tax per pack, which is \$0.30 per pack on and after July 1, 2005. The cigarette tax imposed by a city or town would not exceed \$0.30 per pack, unless the city or town had a higher rate in effect on December 1, 2004, in which case the city or town could impose a cigarette tax at that rate but not higher.

FREEDOM OF INFORMATION ACT (FOIA)/ACCESS TO PUBLIC RECORDS

The following bills passed:

HB2399 (Phillips) exempts from the mandatory disclosure requirements of FOIA, subscriber data (defined as the name, address, telephone number, and any other information identifying a subscriber of a telecommunications carrier) collected by a local governing body in accordance with the Enhanced Public Safety Telephone Services Act (§ 56-484.12 et seq.), and other identifying information of a personal, medical or financial nature provided to a local governing body in connection with a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system, if such records are not otherwise publicly available. The bill further provides that nothing shall prevent the release of subscriber data generated in connection with specific calls to a 911 emergency system, where the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event as to which a citizen has initiated a 911 call.

HB2930 (Hugo) provides limited exemptions from certain Freedom of Information Act requirements for documents and meetings of the State Board of Elections and local electoral boards pertaining to the security of ballots and voting equipment and related security risk assessment procedures.

SB959 (Wampler) exempts from the mandatory disclosure requirements of the Freedom of Information Act any public record of a local government that contains confidential proprietary information or trade secrets pertaining to its provision of telecommunication services and cable television service. Public bodies may discuss such records in closed meetings.

SB1196 (Newman) reduces the notice required for electronic communication meetings from 30 days to seven working days. The bill also (i) eliminates the 25 percent limitation on the number of electronic meetings held annually; (ii) eliminates the requirement that an audio or audio/visual recording be made of the electronic communication meeting, but retains the requirement that minutes be taken pursuant to § 2.2-3707; (iii) allows for the conduct of closed meetings during electronic meetings; (iv) changes the annual reporting requirement from the Virginia Information Technology Agency to the Virginia Freedom of Information Advisory Council and the Joint Commission on Technology and Science; and (v) expands the type of information required to be reported. The bill specifies that regular, special, or reconvened sessions of the General Assembly held pursuant to Article IV, Section 6 of the Constitution of Virginia are not meetings for purposes of the electronic communication meeting provisions. The bill also defines "electronic communication means." The bill is a recommendation of the VA Freedom of Information Advisory Council and the Joint Commission on Technology and Science. This bill incorporates SB711.

The following bills failed:

HB1380 (Moran) would have authorized the conduct of electronic communication meetings for local public bodies, including any political subdivision of the Commonwealth or any governing body, authority, board, bureau, commission, district or agency of local government or any committee thereof. The bill also contained technical amendments.

HB1733 (Cosgrove) would have revised a current exemption for personal information, including electronic mail addresses, to allow the withholding of such information unless the subject of the record waives the protections afforded by the exemption. Currently, the presumption is that the record is open unless the subject of the record indicates that the record should not be released.

HB2672 (Plum) would have amended an existing meetings exemption to allow for closed meetings to discuss records exempt from public disclosure relating to the Public-Private Education Facilities and Infrastructure Act (PPEA).

SB879 (Wampler) would have exempted from the mandatory disclosure requirements of FOIA, confidential proprietary records and trade secrets developed and held by a local public body (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services pursuant to Article 1.1 (§ 15.2-2108.2 et seq.) of Chapter 2 of Title 15.2, to the extent that disclosure of such records would be harmful to the competitive position of the locality. The bill provided that in order for confidential proprietary information or trade secrets to be excluded from FOIA, the locality in writing shall (i) invoke the protections of FOIA, (ii) identify with specificity the records or portions thereof for which protection is sought, and (iii) state the reasons why protection is necessary. The bill also would have granted an open meeting exemption for discussions of such records by a public body. The bill contained technical amendments.

GANGS

The following bills passed:

HB1877 (McDougle) amends local graffiti ordinance provisions to require that any violation carry a mandatory minimum fine of \$500, where the defacement is more than (i) 20 feet off the ground, (ii) the defacement is gang-related, or (iii) is on an overpass. The bill also provides for cleaning of graffiti by a locality at its own expense.

HB2217 (Albo)/**SB1217** (Mims) adds to the list of crimes defined as "predicate criminal act" the following: § 18.2-42, assault by mob; § 18.2-56.1, reckless handling of a firearm; § 18.2-59, extorting money; § 18.2-95, grand larceny; § 18.2-286.1, shooting from a motor vehicle; § 18.2-287.4, carrying a loaded firearm in public areas in certain localities; and § 18.2-308.1, possession of a firearm, stun weapon or taser on school property. In addition, the bill provides that "predicate criminal act" includes the violation of any offense substantially similar to these newly added crimes as well as the existing listed crimes when committed in another state or territory of the United States, the District of Columbia, or the United States. The bill provides enhanced punishments for gang activities taking place at or near schools, colleges, school buses, school bus stops, recreation centers, public libraries, and state hospitals. Also, it makes it a Class 1 misdemeanor for an attorney or other person to disclose to a defendant charged with a violation of § 18.2-46.2, 18.2-46.3, or 18.2-46.3:3 the address, telephone number or place of employment of a victim or witness to a defendant, unless specifically permitted to do so by the court after a hearing and a showing of good cause. Finally, the bill treats criminal street gangs as public nuisances and allows for the enjoinder of such nuisances.

HB2734 (McQuigg) repeals a provision relating specifically to reporting of organized youth gang activity, and creates a general law-enforcement reporting requirement of all gang activity to the Organized Criminal Gang File in the Virginia Criminal Information Network and the Violent Criminal Gang File of the National Crime Network Center maintained by the Federal Bureau of Investigation.

HJR573 (Albo) directs the Virginia State Crime Commission to study criminal street gang conduct and characteristics for the purpose of reducing the burden on prosecutors by producing a formal listing of gang names coupled with conduct and characteristics unique to those gangs.

The following bills failed:

HB724 (Shannon) would have required that law-enforcement agencies report known members of organized criminal gangs to the Virginia Criminal Information Network (VCIN) and the National Criminal Information Center (NCIC) as soon as practicable after determining through admission, arrest, incarceration or investigation that a person is a member of an organized criminal gang. The bill also would have repealed § 16.1-299.2, relating to organized juvenile criminal gang membership.

HB1800 (Albo) would have provided that the willful, deliberate, and premeditated killing of any person by another pursuant to a membership requirement of, or at the direction or order of, a member of a criminal street gang as is defined in § 18.2-46.1 is capital murder.

HB1873 (McDougle) would have allowed for the use of multijurisdiction grand jury to investigate graffiti violations.

HB2087 (Shannon) would have provided that the State Police publish a list of known youth gangs, criminal street gangs, and other criminal organizations identified by location, size, age, and race of membership; unique clothing; unique hand signs; unique practices; and any other identifying characteristics to enable a court to take judicial notice of the existence thereof for the purposes of prosecution of an individual member.

HB2517 (O'Bannon) would have created a Class 6 felony for destroying, defacing, or damaging property if the damage to the property is permanent, irrespective of value.

GENERAL GOVERNMENT

The following bills passed:

HB1775 (Purkey) provides that in an instance where personal property in certain categories is sold with the intent to lease back the property, approval by the governing body, after notice and a public hearing, shall be required when the value of the proposed sale amount exceeds \$2,000,000.

HB1791 (Cox) makes several clarifying and technical changes to the Virginia Public Records Act. The bill removes obsolete definitions, clarifies existing definitions of "archival records" and "public records," and creates a definition for "private record," a term that is used in the Act but not currently defined. The bill removes references to the preservation of medical records, an area of law that has been superseded by other state and federal medical records laws, and programs for microfilming records by The Library of Virginia, a service not provided by The Library of Virginia. The bill also clarifies that a public record may not be destroyed or discarded unless certain requirements are met. This change codifies current practice. This bill is a recommendation of the HJR6 study (2004).

HB1822 (Suit) creates a day spa license that allows the licensee to give no more than two-five ounce glasses of wine or one 12-ounce glass of beer to customers of the day spa for on-premises consumption. The bill also defines day spa and sets the amount of state and local license taxes. The bill contains technical amendments.

HB1916 (Cole)/**SB938** (Chichester) removes limits on the number of monthly meetings by such board, committees, and commissions for purposes of compensation, and eliminates the cap on maximum compensation.

HB1922 (Marshall, D.) provides that certain sewer fees and charges shall be a lien on the property served only if certain procedures are followed including first obtaining a judgment against the lessee or tenant who contracted for the service.

HB1945 (Saxman) expands the provisions of the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) to permit the County to use the PPEA as a way to finance the construction of any improvement necessary or desirable on unimproved County property. See also **SB1107**.

HB2221 (Rust) gives towns the option of adopting by reference any ordinance of the surrounding county to be applied within its town limits, instead of adopting an ordinance of its own.

HB2386 (Barlow) eliminates the public hearing requirement for localities that convey certain site development easements across public property.

HB2615 (Orrock) states that during the time prior to the governing body's actual call to order or convening of business, any expressions by members of the governing body or members of the public shall be held consistent with the individual's First Amendment right of freedom of speech.

HB2741 (Reid) adds the outdoor shooting of arrows from bows having a peak draw weight of 10 pounds or more to existing provisions that allow counties to prohibit the shooting of firearms in heavily populated areas. Bows intended to be used as toys are excluded from the provisions.

HB2746 (Ware) adds further liability protection for local governing bodies for the selection of a retirement plan provider for certain losses that may occur in a local retirement system from automatic rollover of a mandatory cash out.

SB1107 (Stosch) makes several revisions to the Public Private Education Facilities and Infrastructure Act of 2002 (PPEA) The bill authorizes the establishment of an interim agreement to provide for partial planning and development activities while other aspects of a qualifying project are being negotiated and analyzed. The bill also (i) requires the adoption of formal timelines for the review of proposals and outlining the process for review, (ii) provides for accelerated review for priority projects, and (iii) adds factors that a responsible public entity may consider when selecting proposals. In addition, the bill provides for the Chairs of the Senate and House General Laws Committees to convene a work group to revise the current model guidelines by September 30, 2005. See also **HB1945**.

The following bills failed:

HB1785 (Bacote)/**SB758** (Locke) would have permitted localities to adopt an ordinance that prohibits firearms, ammunition, or components or combination thereof, in libraries that are owned or operated by the locality.

HB1797 (Albo) would have provided that localities could not charge user fees that exceed an amount calculated to cover the costs of construction and maintenance of recreation facilities and the labor costs associated with the scheduling of activities.

HEALTH AND HUMAN SERVICES

The following bills passed:

HB1556 (Purkey) requires the Board of Medicine to provide its licensees with a full description of the protections from civil liability that may apply where health care services are provided without compensation to a patient of a clinic that is organized in whole or in part for the delivery of health care services without charge.

HB1624 (Purkey)/**SB841** (Deeds) directs the Board of Medical Assistance Services to promulgate necessary regulations to implement the provisions of the Medicare Part D prescription drug benefit that becomes effective January 1, 2006. Upon implementation of the Medicare Part D program, the Department of Medical Assistance Services shall convene a task force to assist the Department in evaluating the Medicare Part D benefit and to make recommendations for enhancing, coordinating, and integrating the existing pharmacy assistance programs for low-income Virginians and the Medicare Part D benefit. Authority for emergency regulations is included.

HB1687 (Alexander) requires the State Registrar or the city or county registrar to disclose data about or issue a certified copy of a birth certificate of a child to the grandparent of the child upon the written request of the grandparent when the grandparent has demonstrated to the State Registrar evidence of need, as prescribed by Board regulation, for the data or birth certificate.

HB1727 (Alexander) requires the Board of Health, in its regulations on public or private agencies or persons obtaining copies of death certificates in the conduct of their official duties, to include within its definition of "legal representative" (i) any attorney licensed to practice law in Virginia, upon presentation of his bar number and evidence of need to obtain such copy; and (ii) any funeral director licensed to practice by the Board of Funeral Directors and Embalmers, upon presentation of evidence of licensure to so practice and evidence of being in charge of final disposition of the registrant's remains or evidence of need to obtain such copy.

HB1761 (Dillard) provides that a person who is otherwise eligible to receive food stamp benefits shall not be denied such assistance because the person has been convicted of a felony offense of possession of a controlled substance in violation of § 18.2-250, provided such person is complying with, or has already complied with, all obligations imposed by the criminal court, is actively engaged in or has completed a substance abuse treatment program, participates in periodic drug screenings, and any other obligations as determined by the Department. While the TANF federal legislation bars food stamps to such persons, the federal law does permit states to opt out of this provision.

HB1824 (Frederick) Broadens the Commonwealth's newborn screening program for genetic disorders to include approximately 30 or more conditions that cause mental retardation, serious disability, or death if left untreated. The screening tests to be included in Virginia's panel of disorders will be consistent with, but not necessarily identical to, the uniform condition panel recommended by the American College of Medical Genetics in its report, "Newborn Screening: Toward a Uniform Screening Panel and System." The Board of Health's regulations must include a list of conditions for which newborn screening tests are conducted, follow-up and referral protocols and necessary provisions to implement the newborn screening services, and any services available to the infants and children through the Children with Special Health Care Needs Program. The mandate for the increased testing will become effective on March 1, 2006; however, the Board of Health is required to promulgate emergency regulations. This bill incorporates HB 2511 and HB 2801. The Budget Bill includes provisions for funding the testing, including fees.

HB1854 (Eisenberg) authorizes hospitals to enter into voluntary agreements with pharmacies to transfer drugs, upon compliance with various conditions, that have been originally dispensed to hospital patients, but have been returned, and may be re-dispensed by the pharmacy to patients of clinics organized in whole or in part for the delivery of health-care services without charge or to indigent patients, free of charge.

HB1963 (D.C. Jones) requires the Department and Board of Social Services to ensure, unless otherwise prohibited by federal law, that Virginia's current social benefits structure does not provide economic or other incentives for the break-up of families, and to eliminate such incentives to the extent possible.

HB1988 (Griffith) provides that a court may order that judgments for support arrearages equal to or greater than three months of support and maintenance include reasonable attorney fees. The Department of Social Services is authorized to retain any attorney fees it collects in a special fund dedicated to the support of the Division of Support Enforcement.

HB2002 (Dudley) authorizes a child-placing agency to approve as a foster parent an applicant with not more than one assault and battery conviction as set out in § 18.2-57 as long as the conviction did not involve abuse, neglect, moral turpitude, or a minor, and provided 10 years have elapsed since the conviction. A nearly identical provision is already in state law for adoptive parents.

HB2041 (Hamilton) increases the maximum tax credit that individuals may receive under the Neighborhood Assistance Act from \$750 to \$50,000.

HB2163 (Reese)/**SB1243** (Devolites Davis) provides that if, after an investigation of a child protective services complaint, the local department of social services determines that the actions or omissions of a teacher, principal, or other person employed by a local school board or employed in a school operated by the Commonwealth were within such employee's scope of employment and were taken in good faith in the course of supervision, care, or discipline of students, then the standard in determining if a report of abuse or neglect is founded is whether such acts or omissions constituted gross negligence or willful misconduct.

HB2197 (Abbitt) requires a person holding a permit to apply sewage sludge to the land to give notice to the local government at least 100 days prior to applying the sewage sludge. The notice will identify the location of the permitted site and the expected sources of the sewage sludge to be applied to the site. This requirement may be satisfied by providing a list of all available permitted sites in the locality at least 100 days prior to commencing the application at any site on the list. The notice requirement shall not apply to any application commenced prior to October 10, 2005.

HB2198 (Abbitt) requires the Board of Health and the Department of Health to establish a program to train employees of those local governments that have adopted a biosolids ordinance in the testing and monitoring of sewage sludge. The bill states what, at a minimum, the training shall include. The Health Department is authorized to charge trainees a reasonable fee to recover the costs of preparing course materials and providing facilities and instructors for the program.

HB2268 (Deeds) requires the Department of Social Services, to the extent permitted by federal law, to provide transitional food stamp benefits for a period of not more than five months after the date on which Temporary Assistance for Needy Families (TANF) cash assistance is terminated. However, no household shall be eligible for transitional food stamp benefits if TANF cash assistance was terminated because all children in the assistance unit were removed from the home as a result of a child protective services investigation.

HB2284 (Brink) requires the Department of Medical Assistance Services to amend the Family Access to Medical Insurance Security Plan and related regulations to simplify the administration of its premium assistance program available to families with children eligible for FAMIS who have access to employer-sponsored health insurance coverage. The bill removes the requirement that the Plan provide wraparound benefits for benefits not included in the employer-sponsored health insurance benefit plan.

HB2363 (Melvin)/**SB1064** (Martin) emphasizes the right of an individual to have access to his health records with certain exceptions; defines the term "psychotherapy notes"; clarifies the list of persons to whom disclosure of protected health information may be made; underscores the confidentiality of psychotherapy notes and prohibits the disclosure of such psychotherapy notes, with exceptions for training programs, legal processes, protection of third parties, and various law-enforcement and regulatory investigations; and states specifically that state law controls the procedures for requesting health records.

HB2461 (Nixon)/**SB1304** (Martin) requires the Boards of Education; Mental Health, Mental Retardation and Substance Abuse Services; Social Services; and Juvenile Justice to promulgate regulations that address the services required to be provided in group homes and other residential facilities for children as they may deem appropriate to ensure the education, health, welfare, and safety of the juveniles (as relevant to the Department). In addition, each board's regulations must include, but need not be limited to (i) specifications for the structure and accommodations of such facilities according to the needs of the juveniles to be placed in the home or facility; (ii) rules concerning allowable activities, local government- and group home- or residential care facility-imposed curfews, and study, recreational, and bedtime hours; and (iii) a requirement that each home or facility have a community liaison who shall be responsible for facilitating cooperative relationships with the neighbors, the school system, local law enforcement, local government officials, and the community at large.

HB2462 (Nixon) provides that recipients of Temporary Assistance for Needy Families benefits who participate in the work experience component of the Virginia Initiative for Employment Not Welfare Program, and are not eligible for Medicaid, will be employees of the Commonwealth for purposes of the Workers' Compensation Act. Such recipients will not be eligible for wage replacement or death benefits.

HB2516 (O'Bannon)/**SB1109** (Blevins) revises certain provisions relating to minors' health records to provide a measure of consistency with the federal regulations that were promulgated by the federal Secretary of Health and Human Services pursuant to the Health Insurance Portability and Accountability Act concerning access to and authority to disclose protected health information.

HB2519 (O'Bannon)/**SB1132** (Howell) requires the Board of Health, to the extent funds are made available, to establish the Virginia Immunization Information System, a statewide immunization registry that consolidates patient immunization histories from birth to death into a complete, accurate, and definitive record that may be made available to participating health care providers throughout Virginia, to the extent funds are appropriated by the General Assembly or otherwise made available. The Board must promulgate regulations addressing voluntary participation, a secure system for data entry or delivery, incorporation of the data already reported on children's immunizations, the nature of the data to be reported, data-sharing agreements with other state and regional immunization registries, use of vital statistic data, requests for records in compliance with existing requirements, release of aggregate data without personal identifiers, and the use of the data in an epidemic or outbreak of a vaccine-preventable disease. The bill also establishes the criteria for disclosure of protected health information to VIIS, i.e., ensuring the integrity of the health care system and prevention of disease. Immunity is provided to participants, the Board and Commissioner of Health, and employees of the Department of Health. Current responsibilities for record maintenance and obtaining immunization of children are retained as well as existing exemptions on religious or health grounds.

HB2523 (O'Bannon) clarifies that localities are currently permitted to charge insurers for ambulance services provided to any person covered by an accident and sickness insurance policy that provides coverage for ambulance services.

HB2656 (Hurt) permits the Board of Health to approve pilot programs to improve access to obstetrical and pediatric care in areas of the Commonwealth where these services are severely limited. Obstetrical care includes prenatal, delivery, and post-partum care. The pilot programs will be jointly developed and submitted to the Board by nurse practitioners licensed in the category of certified nurse midwife, certain perinatal centers as determined by the Board, obstetricians, family physicians, and pediatricians. Nurse practitioners licensed by the Boards of Medicine and Nursing in the category of nurse midwife who participate in a pilot program shall associate with perinatal centers recommended by the Board and physicians, but shall not be required to have physician supervision. The Department shall convene stakeholders, including nurse practitioners licensed by the Boards of Medicine and Nursing in the category of certified nurse midwife, pediatricians, and family physicians, to establish protocols to be used in the pilot programs no later than October 1, 2005. The pilot programs shall not provide or promote home births. The Department shall evaluate and report on the impact and effectiveness of the pilot programs in meeting the program goals and submit a report to the Joint Commission on Health Care by November 15, 2006, and annually thereafter. The bill requires the Boards of Medicine and Nursing, the Departments of Health Professions and Medical Assistance Services, and the Bureau of Insurance to provide assistance to the Department of Health in establishing and evaluating the pilot programs.

HB2744 (Alexander) requires parent and child involvement in the development of foster care plans. The bill also requires home studies prior to any foster home placement, and requires the Board of Social Services to adopt regulations allowing for dual approval of homes as both foster and adoptive homes.

HB2796 (Baskerville)/**SB889** (Mims) provides that the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) will be the lead agency for suicide prevention across the lifespan. DMHMRSAS will coordinate the activities of the agencies of the Commonwealth pertaining to suicide prevention in order to develop and carry out a comprehensive suicide prevention plan addressing public awareness, the promotion of health development, early identification, intervention and treatment, and support to survivors. The Department of Health will continue to be responsible for youth suicide prevention.

HB2804 (Van Yahres) immunizes from civil liability any person who makes a voluntary report to the appropriate regulatory board or to the Department of Health Professions regarding the unprofessional conduct or competency of any practitioner licensed, certified, or registered by that health regulatory board, unless he acts maliciously or in bad faith. Current law immunizes those persons making reports required by law or pursuant to an investigation or testimony in a judicial or administrative proceeding.

HB2854 (Amundson) requires hepatitis C testing of persons convicted under statutes prohibiting prostitution, crimes against nature and certain drug offenses indicating intravenous use. Under current law persons convicted of prostitution and crimes against nature must be tested for HIV; this bill adds drug crimes to that provision. The bill also contains provisions related to the sharing and confidentiality of hepatitis C test results.

HB2870 (Lewis) requires that at least one appointment to the state human rights committee and each local human rights committee must be a health care provider. These committees address alleged violations of human rights of consumers of public and private mental health, mental retardation and substance abuse services.

HB2906 (Shuler) provides that the attorney for the Commonwealth may request that a person arrested for assault and battery where the victim was exposed to the body fluids of the person arrested, be tested for HIV and hepatitis B or C viruses. If the defendant refuses, the court may hold a hearing. Current law applies to persons charged with certain sex crimes and covers HIV testing only; however, the bill's provisions for hepatitis B or C testing will apply to those persons also.

HJR574 (Ward) recognizes Chronic Kidney Disease as a health disparity and encourages licensed health care providers to develop a plan for early identification and implementation of an appropriate clinical management program for individuals at highest risk for Chronic Kidney Disease.

HJR701 (Brink) encourages the Commissioner of the Department for the Aging and the Commissioner of Health to provide information on wrap-around coverage offered by some pharmaceutical companies for low-income Medicare beneficiaries who exhaust their transitional assistance credit.

HJR770 (Marrs) expresses the General Assembly's support for the suspension or repeal of the amended regulation, 22 VAC 15-30, Standards for Licensed Child Day Centers.

SB707 (Puller) prohibits any person from selling or administering influenza vaccine at unconscionable prices during periods when the Governor has declared that an influenza vaccine shortage exists. To determine whether the price of vaccine is unconscionable, the court must consider, among other factors, whether the price charged during the time of the declared shortage grossly exceeded the price at which the vaccine was readily obtainable during the 10 days prior to the declared shortage period. A violation constitutes a prohibited practice under the Virginia Consumer Protection Act, though aggrieved persons will not be able to assert a private cause of action.

SB894 (Howell) requires a local social service department or local board to adopt a grievance procedure that is either (i) adopted by the locality, (ii) approved by the State Board of Social Services, consistent with the state grievance procedure.

SB953 (Potts) In order to maximize the benefits of the new Medicare pharmaceutical discount card program, requires the Commissioner of Health by October 31 in 2006 and 2007 to (i) analyze access to The Pharmacy Connection program vis-à-vis the Medicare pharmaceutical discount card program, the \$600 transitional coverage provided under federal law, and pharmaceutical companies' offers of "wrap-around" coverage for low-income seniors; and (ii) recommend, to the Virginia Health Care Foundation, the Secretary of Health and Human Resources, and the Governor, appropriate localities for expansion of access to The Pharmacy Connection program in Virginia, particularly in areas having high concentrations of low-income seniors. The goal is to facilitate statewide implementation of The Pharmacy Connection program.

SB1006 (Hanger) requires that whenever a student has been placed in foster care, the sending and receiving school divisions must cooperate in facilitating the enrollment of the foster child across jurisdictional lines and may agree to allow the child to continue to attend the school in which he was enrolled prior to the most recent foster care placement, upon the agreement of the placing social services agency that such attendance is in the best interest of the child. If the student is allowed to continue to attend the previous school, the receiving school division will be accorded foster children education payments and may enter into financial arrangements with the sending school division. The bill clarifies that no foster child can be charged tuition. These provisions only apply to children who are subjects of foster care placements through entrustments or commitments to the local social services board or licensed child-placing agency and do not apply to children whose parents have an agreement with the local board or public agency through the community policy and management team where legal custody remains with the parents.

SB1111 (Blevins) requires marriage records and divorce and annulment reports to include the age and race of the parties. Divorce and annulment reports must also contain the number of minor children involved. This bill also requires the State Registrar of Vital Records to compile, publish, and make available to the public aggregate data on the number of marriages, divorces, and annulments that occur each year in the Commonwealth from 2000 forward. The data shall be organized according to the locality in which the marriage license is issued or in which the divorce or annulment report is certified, and shall include but not be limited to information regarding age and race of the parties. The data on divorce and annulments shall also include information regarding the number of minor children involved. The State Registrar is required to post, update, and maintain this information on the Department of Health website. Names, addresses, social security numbers, and any other personal identification information shall not be included. This is a recommendation from the Virginia Commission on Youth.

SB1296 (Wampler) requires information on shaken baby syndrome to be made available to maternity patients by nurse midwives, licensed midwives, and hospitals with maternity services.

The following bills failed:

HB328 (Griffith) would have broadened bases for eliminating requirement to make "reasonable efforts" to reunite child with parent to include cases where the parent has been convicted of certain offenses against any child (rather than a "child of the parent" or "a child with whom the parent resided at the time" the offense occurred). Would have made the reference to "aggravated circumstances" consistent with the proposed statutory change by defining such circumstances as being certain acts committed against, or allowed to occur against, any child (rather than a "child of the parent" or "a child with whom the parent resided at the time" the offense occurred).

HB1677 (Cosgrove) would have provided that when a fetal death occurred without medical attendance, it would be the woman's responsibility to report the death to the proper law-enforcement agency within 12 hours of the delivery. Violation of this section would have been punishable as a Class 1 misdemeanor.

HB1807 (Marshall) would have created a Class 6 felony for providing a minor with a contraceptive or contraceptive device if the person knew or had reason to believe that the minor was engaging in sexual relations with a person three or more years older than the minor.

HB1956 (D.C. Jones) would have provided that the Department of Social Services, in establishing child support amounts in an administrative order, was to consider the factors established to rebut the guideline amount presumption.

HB2040 (Hamilton) would have required that children who have not received immunization against varicella zoster (chicken pox) receive such immunization prior to entering sixth grade.

HB2070 (Hogan) would have provided that the surname entered on the birth certificate be the name by which a child is identified for all purposes, except as may be agreed to by the child's natural mother and father.

HB2104 (McQuigg) would have provided that nurses, social workers, and physicians who are employees of a local area agency on aging may be part of the team to conduct Medicaid nursing home preadmission screenings. Employees of the Department of Health, the local department of social services or local area agency on aging could not participate in screenings in which they could become the service provider.

HB2125 (Eisenberg) would have required the Department of Medical Assistance Services to amend current waiver programs authorized by the Centers for Medicare and Medicaid Services to allow for the provision of consumer-directed and nurse-delegated services where possible and appropriate.

HB2138 (Purkey) would have made it unlawful for anyone to solicit, in person, absentee ballot applications or ballots from more than two individuals in any hospital, nursing home, or assisted living facility. The prohibition did not apply to family members or to general or assistant registrars, electoral board members or their staffs. A violation of the section would have been a Class 1 misdemeanor under § 24.2-1017.

HB2235 (O'Bannon) would have required children to receive a second dose of tetanus vaccine at age 11 to 12 years if at least five years have elapsed since the last dose of tetanus vaccine.

HB2250 (Bell) would have eliminated the requirement that a child's physical injury be inflicted by a member of the household so that a person in custody who failed to secure medical attention for the child would be guilty of failing to secure medical attention for the injured child, a Class 1 misdemeanor.

HB2296 (Fralin) would have mandated services to seriously emotionally disturbed children whose custody would otherwise have had to be relinquished or entrusted by their parents or guardians to local social services agencies in order to receive needed mental health services, and whose parents or guardians could not pay for such services as determined using ability-to-pay procedures and criteria established by the Office of Comprehensive Services. The bill would have directed the Director of the Department of Medical Assistance Services to develop and apply for a waiver to get Medicaid coverage for such services.

HB2345 (Hall) would have authorized the establishment of a state-administered purchasing alliance program, through which small employers may purchase health insurance coverage for employees. The Health Care Voluntary Purchasing Authority would have been established to offer the program. Small employers, defined as employing between two and 50 employees, may have joined together to purchase health insurance through the program. The Authority would have been authorized to contract with qualified group health insurance carriers to provide health insurance plans to participating small employers.

HB2347 (Marshall) would have authorized localities to adopt an ordinance requiring local licensing of abortion clinics. No person was to own, establish, conduct, maintain, manage or operate in an abortion clinic in any locality that had adopted such ordinance without obtaining a local license. Any requirements of licensure pursuant to such ordinance were to be in addition to, not in lieu of, any other requirements imposed on such facilities by law or Board of Health regulation. "Abortion clinic" was defined as any facility, other than a hospital as defined in § 32.1-123, in which 25 or more first trimester abortions were performed in any 12-month period.

HB2499 (Amundson) would have provided that any physician practicing in the Commonwealth report to the local health department the identity of any patient who has tested positive for exposure to hepatitis C.

HB2601 (Landes) would have permitted the Department of Medical Assistance Services, when appropriate and practicable, to seek a waiver pursuant to § 1115 of the Social Security Act (42 U.S.C. § 1315) from the Centers for Medicare and Medicaid Services to establish asset transfer limits that were more restrictive than those currently permitted under federal Medicaid law or regulations. Prior to submitting an application, the Director was to report on the limits on asset transfers in the proposed waiver.

HB2676 (Ebbin)/**SB857** (Howell) would have required the Commissioner of the Department of Social Services and the Chief Medical Examiner to develop an Adult Fatality Review Team ("Team") to review suspicious deaths of adults in order to create a body of information to help prevent future fatalities. The Team would have been charged with reviewing the death of any incapacitated adult aged 18 or older, and any adult aged 60 or older (i) who was the subject of an adult protective services investigation, or (ii) whose death was due to abuse or neglect or acts suggesting possible abuse or neglect. The bill set forth duties, membership, confidentiality, reporting, and other requirements for the Team.

HB2714 (Morgan) would have established a program to be administered by the Department of Medical Assistance Services (DMAS) to assist eligible elderly and disabled Virginians in paying for prescription drugs to work in coordination with the new federal Medicare program.

HB2848 (McQuigg) would have provided square footage and space requirements for licensed child day centers.

HB2883 (Spruill) would have empowered the Department of Social Services to establish and enforce visitation orders, and to enforce any court-ordered visitation orders.

HB2884 (Spruill) would have provided that prior to withholding income or seizing property, notice must be provided to the obligor and there must be a court hearing.

SB747 (Edwards) would have required the Board of Education to promulgate, in cooperation with the State Health Department, regulations establishing standards to ameliorate childhood obesity in the public schools. This bill also would have added the improvement of school health as one of the criteria to be considered by local schools during the annual evaluation of division superintendents. Further, the bill would have required division superintendents to complete instruction concerning the causes and consequences of overweight and obesity by July 1, 2006. The requirement for instruction may have been satisfied by attendance at conferences, seminars, or in-service training.

SB861 (Howell) would have removed the option of submitting to the local health director a report of antimicrobial drug susceptibilities performed by a laboratory certified to perform such testing in lieu of submitting a representative and viable sample of initial cultures positive for tubercle bacilli to the Virginia Division of Consolidated Laboratory Services. The bill would have required that the Virginia Division of Consolidated Laboratory Services establish a library of isolates from persons with active tuberculosis disease for the purpose of disease strain analysis as indicated by epidemiological investigations.

SB862 (Howell) would have required any regular minister, priest, rabbi, or accredited practitioner to report suspected child abuse or neglect to a local department of social services or the Department of Social Services' toll-free child abuse and neglect hotline. The bill would have exempted from the mandatory reporting requirement information required by the doctrine of the religious organization or denomination to be kept in a confidential manner and information that the practitioner would not be required to disclose in court testimony pursuant to other Code provisions.

SB892 (Mims) would have required school boards to ensure that all schools in the division include information regarding meningococcal meningitis and related vaccinations in those materials currently required to be distributed at the beginning of each school year to parents. This information was to address (i) the etiology, symptoms, transmission, and prevention of meningococcal meningitis; (ii) additional informational sources; and (iii) entities offering such vaccinations.

SB951 (Potts) would have directed the Governor to stimulate the location or relocation of a pharmaceutical manufacturing facility to the Commonwealth, particularly a company that produces or plans to produce influenza vaccine. The Governor was to direct the Secretaries of Commerce and Labor, Health and Human Resources, and Finance to assist him in this endeavor. The Governor would have been required to use his vast powers and resources to leverage the location or relocation of a pharmaceutical manufacturing facility, including, but not limited to, all relevant Virginia tax benefits, economic development mechanisms and partnerships, local government aspirations, and cooperative investment arrangements within his purview.

SB1191 (Mims) would have moved the law restricting smoking in buildings and other enclosed areas from the title relating to local government (15.2) to the title relating to health (32.1) and would have prohibited smoking indoors in most buildings or enclosed areas frequented by the public.

SB1213 (Miller) would have established the Long-Term Care Ombudsman Volunteer Training and Assistance Fund ("Fund"). Moneys in the Fund were to have been used for the training, technical assistance, and education of local long-term care ombudsman volunteers in order to increase the number of local volunteers, improve the quality of volunteer training, and better protect the rights of and ensure the quality of care of Virginians receiving or in need of long-term care services. The bill also would have created an annual service charge of \$1 per patient bed or resident for which nursing homes and assisted living facilities are licensed. These fees were to have been paid into the state treasury and credited to the Long-Term Care Ombudsman Volunteer Training and Assistance Fund.

SB1247 (Bolling) would have provided that the Director of Medical Assistance Services issue an informal fact-finding conference decision in appeals from agency determinations concerning provider reimbursement. Further, the timelines for notification to providers of Medicaid overpayment would have been revised to require issuance of the notice within the earlier of (i) four years after payment of the claim or other payment request, (ii) four years after filing by the provider of a complete cost report, or (iii) fifteen months after filing by the provider of the final complete cost report.

SB1319 (Deeds) would have permitted local departments of social services or licensed child-placing agencies pursuant to court order to place a child over whom it has legal custody in a permanent foster care placement that is a licensed children's residential facility. Current law requires such placement to be a residence of a natural person.

SB1329 (Cuccinelli) would have changed the standard of proof from preponderance to clear and convincing for a preliminary removal order or continuance of an existing order for an abused or neglected child. The bill would have created a rebuttable presumption that the child should be placed with a relative or other interested person, including grandparents, pending a dispositional hearing and would have required the court to consider whether such person is in a position to alleviate disruption in the child's life.

SJR287 (Miller) would have established a joint subcommittee to study the feasibility, advisability, and cost effectiveness of providing in-state residential treatment for troubled and at-risk youth now served in out-of-state facilities.

LAND USE

The following bills passed:

HB2228 (Rust) authorizes localities to establish, by ordinance, a schedule of civil penalties for violations relating to the operation and maintenance of nonconventional sewage disposal systems. "Nonconventional sewage disposal system" means any Type II or Type III system, as defined in the Sewage Handling and Disposal Regulations 12 VAC 5-610-10 et seq., including holding tanks and residential discharging wastewater treatment systems.

HB2377 (Rapp) conforms civil penalty provisions for violations of inoperable motor vehicle ordinances to those currently existing for zoning violations.

HB2407 (Phillips)/**SB1238** (Puller) adds provisions regarding the elderly, persons with disabilities, age-restricted housing, nursing homes and assisted living facilities to the statutory guidelines for local comprehensive plans. The bill provides that localities shall implement these provisions by July 1, 2008.

HB2464 (Rust) provides a definition of natural channel design concepts and exempts stream restoration and relocation projects that incorporate these concepts from any flow rate capacity and velocity requirements for channels that are in the Erosion and Sediment Control Law regulations.

SB900 (Norment) Increases from \$300 to \$500 the cap on the fees that localities can charge for processing and reviewing an application for the creation of an agricultural or forestal district.

SB921 (Blevins) authorizes localities to allow relocation or alteration of lot lines by recordation of a deed, without the requirement for a subdivision plat.

SB926 (Blevins) provides that all public easements, except those for public passage, occupying easements, those that contain private utility facilities, common or shared easements for the use of franchised cable operators and public service corporations, may be relocated by recordation of plat or replat signed by the owner of the real property, approved by an authorized official of a locality, regardless of the manner of acquisition or the type of instrument used to dedicate the original easement. If the purpose of the easement is to convey stormwater drainage from a public roadway then the entity responsible for the operation of the roadway shall first determine that the relocation does not threaten either the integrity of the roadway or public passage. The bill requires the clerk to index the locality as grantor of any easement or portion thereof terminated and extinguished under this section.

SB1075 (Ticer) allows any county with the county manager plan of government to provide in its zoning ordinances for the dedication of density or other rights to develop real property, as defined by the county, from one or more parcels of property located in the county that are not the subject of a development application to one or more parcels of property located elsewhere in the county that are the subject of a development application. The provisions expire on July 1, 2008, if no eligible county adopts such an ordinance. Currently, Arlington County is the only county with the county manager plan of government. This bill is identical to House Bill 1851.

SB1313 (Quayle) amends the Code sections authorizing localities to restrict the keeping of inoperable motor vehicles on residential or commercial property by requiring the one additional inoperable motor vehicle that is being used for restoration or repair to be shielded or screened from view, as well as the motor vehicle being actively restored or repaired.

The following bills failed:

HB307 (Marshall, R.) would have required the Board of Education to undertake a comprehensive assessment of the adequacy of public education facilities in each local school division of the Commonwealth. The bill set forth factors that the Board must consider and required that the locality cooperate during the assessment process. If the Board determined that a local school division's public education facilities were inadequate or would be inadequate within five years, then the local school board will have one year to develop a plan for curing such inadequacy. If the Board determined that such plan would not achieve adequacy, then it was to impose a public education residential impact fee upon the builder of each new residential unit in the local school division, until such time as the facilities are adequate. The Board was to base such fee on the pro-rata impact of each additional residential unit on (i) existing public education facilities, and on (ii) the costs of improving or constructing new public education facilities. The Board was to hold all collected fees on behalf of the local school division in the Virginia Public School Construction Grants Fund, or the local Capital School Projects Fund, if established by the local governing body, and disbursements were to be made in accordance with the provisions of each fund. The Board was authorized to promulgate regulations for the implementation of the act.

HB482 (Cole) would have allowed localities to adopt an ordinance providing for payment of impact fees for residential development. The impact fee was to be in an amount representing the proportional total or partial cost of capital improvements reasonably related to the transportation, education, and public safety needs for public facilities generated by the additional residential development. However, in no event was the impact to exceed five percent of the sale price of the property, or five percent of the assessed value if the property is not being sold, or \$10,000, whichever is less. No impact fee was to be assessed unless the capital improvements related to the additional development have been included in the locality's capital improvement program. All impact fees collected were to be used by the locality for the purpose of completing capital improvements specified in the ordinance.

HB729 (Marshall, R) would have allowed high-growth localities to adopt provisions in subdivision ordinances for the deferral of approval subdivision plats or site plans when existing schools, roads, public safety, sewer or water facilities were inadequate to support a proposed development. Infrastructure was to be deemed inadequate if, at the time of the submission of a plat or plan, or preliminary plat or plan where preliminary plats or plans are required, the cost to the locality of providing infrastructure necessary to serve the development proposed in such plat or plan at build out would exceed \$100,000. In order to defer approval of a plat or plan, a locality must have had in force, or promptly initiate and diligently pursue the adoption, for the area in which the plat or plan is proposed, a capital improvement plan that provided that adequate infrastructure was to be available to serve the development shown in such proposed plat or plan within no more than 10 years of the date of submission of such plat or plan, provided that the plat or plan at the time of submission otherwise met the requirements of the local ordinance for approval. The capital improvement plan was to be funded on at least an annual basis in an amount necessary to provide sufficient funds to ensure that those elements of infrastructure that were deemed inadequate for purposes of such deferral will be adequate at the end of such 10-year period. "High-growth locality" means any locality that has grown in population by more than one percent for at least three of the previous five years. The bill would have authorized the governing body of any high-growth locality to, through the use of bonds, finance the cost of new infrastructure or improvements to existing infrastructure determined inadequate pursuant to a local ordinance authorized by this bill, provided that the locality had obtained a voluntary and binding commitment from the applicant to pay an impact fee equivalent to the annual principal and interest and for the period required to retire such bonds. The locality may have secured such commitment in any reasonable manner that it deemed necessary to insure the revenues necessary to retire such bond. Finally, the bill would have added to the general zoning statutes the authority to adopt local ordinances related to the timing of development when public facilities are not deemed adequate by the local governing body.

HB746 (Marshall, R.) would have required the Secretary of Public Safety to undertake a comprehensive assessment of the adequacy of law-enforcement and fire and rescue services provided to the citizens of each locality in the Commonwealth. The factors to be considered by the Secretary in performing each local assessment were to be established by the Secretary working in conjunction with the Department of Emergency Management, the Department of Fire Programs, the Department of Criminal Justice Services, the Department of State Police, and any other state executive agency deemed appropriate by the Secretary. Upon a determination of inadequacy and failure of the locality to cure, the Secretary was to establish and collect a fee from the builder of each new residential unit constructed in the locality until such time as the Secretary determined that the local law-enforcement and fire and rescue services were adequate and were likely to remain adequate for at least the next five years. The Secretary was to make disbursements to the locality from such account for the acquisition, improvement or development of new or existing law enforcement or fire and rescue services.

HB747 (Marshall, R.) would have directed the State Department of Health to undertake a comprehensive assessment process to determine the adequacy of local sewage systems and public water supplies provided to its citizens by each locality in the Commonwealth. If the Department determined that a locality's sewage systems or public water supplies were not adequate to serve its current population, or would be inadequate within the next five years, and the locality failed to develop a program to cure this situation, then the Department was to establish and apply a local sewage system and public water supply residential development impact fee in such locality. The fee, collected from builders of new residential units, was to be based upon the Department's determination of the following: (i) the pro-rata impact of each additional residential unit on existing sewage systems and public water supplies, and (ii) the pro-rata impact of each additional residential unit on the costs of improving or developing new sewage systems and public water supplies in order to adequately meet the needs of such new residential development. The Department was to make disbursements to the locality for the acquisition, improvement or development of new or existing sewage systems and public water supplies, until such time as the Department determined that the local sewage systems and public water supplies were adequate.

HB748 (Marshall, R.) would have allowed localities to adopt ordinances for the assessment of impact fees when certain public facilities were inadequate to support a proposed residential development. If the proposed development was for senior residents only, then impact fees may have been assessed in relation to the adequacy of public safety, or public sewer or water facilities. For all other proposed residential developments, the impact fees may have been assessed in relation to the adequacy of education, transportation, or public water or sewer needs. Such fees were to be a pro rata share of the costs of reasonable and necessary capital improvements attributable to the proposed development. Prior to any impact fee assessment, the locality must have identified the particular public facility needs in its comprehensive plan, and must have had in place a capital improvement program that provided a reasonable basis for determining the extent or level of inadequacy of such facilities in the area of the proposed development. If the locality did not apply impact fees paid by a developer to the capital project that served as the basis for such assessment within six years of collection, then the developer could seek a writ of mandamus to compel the locality to do so. Any impact fee ordinances would have expired after six years, and then be adopted for consecutive six-year periods.

HB752 (May) would have expanded the existing road impact fee provisions to include school improvements and extended the applicability of such provisions from Northern Virginia localities to all localities. "Impact fee" was defined as a charge or assessment imposed against new development in order to generate revenue to fund or recover the costs of public facilities necessitated by and attributable to the new development. The value of any dedication, contribution or construction from the developer for off-site road improvements and school facility improvements within the service area was to be treated as a credit against the impact fee. Also, an obsolete sunset clause was deleted.

HB893 (Sickles) would have allowed any locality to adopt provisions in its subdivision ordinance for deferring the approval of subdivision plats or site plans when it determined that existing schools, roads, public safety, sewer or water facilities were inadequate to support the proposed development. Such deferrals could not extend beyond 12 years, and applicants were entitled to approval of subdivision plats during the deferral period at the lowest density permitted in the locality for any zoning district. The bill specified that any appraisal of property subject to a deferral under the bill should reflect the effect of such deferral on the fair market value of the property. A locality may also have considered the adequacy of public facilities in the preparation of its zoning ordinance. Also, the purposes of zoning ordinances were amended to include protection against undue rate of development in relation to existing or available public facilities.

HB1479 (Sickles) would have increased current tree canopy requirements for certain localities adopting local tree conservation and replacement ordinances from 15 to 20 percent tree canopy for residential sites zoned between 10 and 20 units per acre, and from 20 to 30 percent for residential sites zoned for 10 or less sites per acre. Such tree conservation ordinances may have included provisions for the reduction of tree canopy requirements or the granting of tree cover credit in consideration for the preservation of certain trees, and was to provide for exceptions to and deviations from tree preservation requirements where the locality determined the requirements would preclude or significantly hinder uses otherwise allowed by the local zoning ordinance.

HB1823 (Frederick) would have provided that in determining the transportation requirements of the community, and prior to adopting a zoning ordinance or any amendment thereto, the locality was to conduct an assessment of road improvement needs within the locality and determine the impact of any proposed zoning amendment upon the existing road capacity. If a proposed zoning amendment would cause existing roads to exceed capacity, or if the impacted roads already exceeded capacity, the proposed rezoning was not to be approved until the locality adopted a plan to fund road improvements necessary to meet road improvement needs and impacts.

HB1826 (Frederick) would have allowed a county to include in its zoning ordinance provisions that permitted the county to grant any rezoning with a condition requiring that an approved site plan or final subdivision plan be obtained for the development within a specified period of not less than 10 years. If no such approval was obtained during the specified period, the county could rezone the property to its previous zoning designation. However, a county could not rezone the property if the rezoning would have adversely impacted the terms of a loan that the property owner had obtained at least one year prior to a proposed county-initiated rezoning. If a county rezoned such property to its previous zoning designation, the county was to compensate the property owner through use of a tax credit equal to the amount of excess real estate taxes that the landowner had paid due to the higher zoning classification.

HB1851 (Eisenberg) would have allowed Arlington County to include in its zoning ordinances provisions for the transfer of some or all specified development rights, including density and other rights as defined by the locality, from one or more parcels of property located elsewhere in the locality. These provisions were to expire on July 1, 2008, if the county had not enacted an ordinance by that date.

HB2346 (Marshall, R.) would have allowed localities to adopt provisions for the assessment of impact fees. The impact fees could be assessed in relation to the adequacy of education, transportation, parks, or public safety needs. Such fees would be a pro rata share of the costs of reasonable and necessary capital improvements attributable to the proposed development. Prior to any impact fee assessment, the locality must have identified the particular public facility needs in its comprehensive plan, and must have had in place a capital improvement program that provided a reasonable basis for determining the extent or level of inadequacy of such facilities in the area of the proposed development. If the locality did not apply impact fees paid by a developer to the capital project that served as the basis for such assessment within six years of collection, then the developer could seek a writ of mandamus to compel the locality to do so. Any impact fee ordinances were to expire after six years, and could then be adopted for consecutive six-year periods.

HB2347 (Marshall, R.) would have authorized localities to adopt an ordinance requiring local licensing of abortion clinics. No person was to own, establish, conduct, maintain, manage or operate in an abortion clinic in any locality that had adopted such ordinance without obtaining a local license. Any requirements of licensure pursuant to such ordinance were to be in addition to, not in lieu of, any other requirements imposed on such facilities by law or Board of Health regulation. "Abortion clinic" was defined as any facility, other than a hospital as defined in § 32.1-123, in which 25 or more first trimester abortions were performed in any 12-month period.

HB2476 (May) would have provided that a locality may by ordinance assess and impose impact fees on a new residential development to pay all or a part of the costs of school facility improvements attributable in substantial part to such development.

HB2479 (May) would have provided that cash proffers accepted by certain localities for transportation purposes may be used for alternative transportation purposes that are in reasonable proximity to the development. Prior to the transfer of funds, the governing body was to conduct a public hearing and make a determination that (i) the cash proffers could not be used in a timely manner for their original purpose, and (ii) the transfer of funds would improve transportation conditions within reasonable proximity to the development.

SB123 (Watkins) would have provided that any county that has been granted a charter by the General Assembly (currently includes Chesterfield, James City and Roanoke) may by ordinance enact reasonable provisions for the assessment of impact fees on new residential development for the purpose of mitigating the effect of such new development on the locality's transportation infrastructure. Any such fees were to be payable at the time of issuance of any building permit. No impact fee was to be assessed if the owner had made proffers of cash for roads or constructed off-site improvements that mitigated the transportation impact from such development but such fees could be assessed to the extent that such proffers and improvements did not mitigate such impact.

SB351 (Houck) would have authorized localities to include in their subdivision ordinances provisions allowing the locality to determine whether there were adequate water sources and drinking water distribution infrastructure to deliver sufficient and safe water for human consumption to meet the demand required by a new subdivision. Before it adopted such an ordinance, the locality must have identified in its comprehensive plan, and in the local regional water plan required by the state, (i) the adequacy of public water supply facilities that will be used in making such a determination, (ii) the areas where such subdivisions may be located, and (iii) existing water supply and infrastructure needs in the potential growth area. If the locality determined that adequate water supply or related water facilities did not exist, it must provide a timeframe of when such supply or facilities would be adequate to meet the water demand. The determination of what constituted an adequate water supply was based on the demand projections developed as part of the adopted local or regional water supply plan.

SB393 (Quayle) would have provided that, concurrent with its periodic review of the comprehensive plan, the planning commission in localities with certain proffer zoning authority, in consultation with the school board and the division superintendent, was to make a study estimating the capacity in elementary, middle and high school facilities that would be needed to meet established levels of service for the locality based on anticipated growth in the locality during the period projected by the comprehensive plan. The recommendations were to be prepared with the active participation of the school board and division superintendent and were to include a statement of their concurrence in the recommendations. Such localities could include in their ordinances provisions that no application for approval of the preliminary plat for a new residential subdivision, or for approval of a site plan or plan of development for any other new development incorporating more than five residential units, would be accepted unless it was accompanied by certification issued by the planning commission after consultation with the school board, that proposed subdivisions or other development was consistent with the adopted educational facilities plan for the locality, and would not cause the level of service for the schools available in the locality to serve the new development to decline below the standards established pursuant to this bill. Refusal of an application was to be without prejudice to refile at such time as the applicant was able to obtain certification. Ordinances adopted under this bill could provide that in lieu of the certification required, if the proposed subdivision or development would cause the level of service for the schools available to serve the proposed subdivision or development to fall below the established standards, as a condition of approval the applicant could elect to pay, and the locality could assess, an educational facilities fee sufficient to cover the costs of additional capital improvements that would be imposed upon the school

division in which the new proposed subdivision or development was to be located, which improvements were necessitated by and attributable to the proposed subdivision or development and which were required to maintain the level of service established for the schools serving the proposed subdivision or development.

PERSONNEL

The following bills passed:

HB2064 (Parrish)/**HB2428** (Cole) requires the state in its employment selection practices to give additional consideration to veterans who have a service-connected disability rating fixed by the United States Veterans Administration. The bill also requires local governing bodies to give a preference to veterans in their employment hiring policies and practices.

HB2700 (Sickles) provides that injuries to first responders incurred while traveling from home or another location outside a work location to that work location are deemed to be within the scope of employment for purposes of the Workers' Compensation Act, if a state of emergency is in effect.

SB894 (Howell) requires a local social service department to adopt a grievance procedure that is either (i) adopted by the locality, (ii) approved by the State Board of Social Services, or (iii) consistent with the state grievance procedure.

The following bills failed:

SB878 (Wangler) would have provided for funding of continued health insurance and death benefit payments for eligible state employees under the Line of Duty (LOD) Act from employer contributions to a LOD Fund administered by the Virginia Retirement System (VRS). VRS would have set the rate of annual employer contributions, and all payments for continued health insurance and death benefits payments for eligible state employees would have been made from the Fund. The continued health insurance coverage also would have applied to individuals disabled on or after April 8, 1972 but before July 1, 2000, and included surviving spouses and dependents. The bill also provided that payments for eligible local employees under the Line of Duty Act would be made by the locality. A locality also would have had the option of contributing to the Fund, or elect not to participate and be responsible for self-funding the continued health insurance coverage and death benefit of local eligible employees. A locality also would have had the option of providing continued health insurance coverage for persons disabled on or after April 8, 1972 but before July 1, 2000, including surviving spouses and dependents. The bill was left to die in House Appropriations, despite attempts by the patron to convert other bills (**HB1738** and **HB1793**) into the version passed by the Senate. Local governments had expressed serious concerns last Session over the fiscal impact of the legislation, but this year's legislation was opposed by representatives of the fire associations.

SB973 (O'Brien) would have required localities to provide civil service status and grievance procedures for staffs of electoral boards and registrars on a basis comparable to that provided to local employees.

PROCUREMENT

The following bills passed:

HB2151 (Amundson) provides that whenever the lowest responsive and responsible bidder is a resident of any other state and such state under its laws allows a resident contractor of that state a preference, a like preference shall be allowed to the lowest responsible bidder who is a resident of Virginia. The bill provides if the lowest bidder is a resident of another state with an absolute preference, that bid shall not be considered. Currently, a preference for Virginia resident may be given. The bill further requires the Department of General Services to post and maintain certain information on the agency's website regarding preferences provided by other states.

HB2283 (Janis) provides a default contract claim procedure in the event a public body has not included such a procedure in the procurement contract. The bill also provides that a failure of a public body to render a final decision on a contractual claim shall be deemed a denial of the claim, for which the contractor would have the right to institute legal action. The bill contains technical amendments.

SB1107 (Stosch) makes several revisions to the Public Private Education Facilities and Infrastructure Act of 2002 (PPEA). The bill authorizes the establishment of an interim agreement to provide for partial planning and development activities while other aspects of a qualifying project are being negotiated and analyzed. The bill also (i) requires the adoption of formal timelines for the review of proposals and outlining the process for review, (ii) provides for accelerated review for priority projects, and (iii) adds factors that a responsible public entity may consider when selecting proposals. In addition, the bill provides for the Chairs of the Senate and House General Laws Committees to convene a work group to revise the current model guidelines by September 30, 2005. See also **HB1945**.

The following bills failed:

HB243 (Nutter)/**SB151** (Deeds) would have provided that in determining the award of any contract for goods or nonprofessional services, a public body was to give preference to goods produced in the United States, or to goods or nonprofessional services provided by U.S.-based firms or corporations, so long as the bid price of such firm or corporation was not more than 20 percent greater than the bid price of the low responsive and responsible foreign-based firm or corporation. The bill provided that such a contract could be awarded to a foreign-based firm or corporation in accordance if it was a sole source contract. The bill defined "foreign-based firm or corporation" as a firm or corporation based outside of the United States or any of its territories.

HB1010 (Rust)/**HB2397** (Phillips)/**HB2419** (Armstrong)/**HB2495** (Keister)/**SB1286** (Puckett) would have provided that no public body was to enter into any contract for professional services unless the contract provided that only citizens of the United States, legal resident aliens, and individuals with a valid visa would perform the services under the contract or any subcontract of that contract. The bill further would have required all public bodies to include in every contract for professional services the following provisions: During the performance of this contract, the contractor agrees to (i) post in conspicuous places, available to employees and applicants for employment, a statement notifying such persons that only citizens of the United States, legal resident aliens, and individuals with a valid visa will be hired to perform the services under the contract or any subcontract of such contract; (ii) state in all solicitations or advertisements for employees placed by or on behalf of the contractor that the contractor will hire only citizens of the United States, legal resident aliens, and individuals with a valid visa to perform the services under the contract or any subcontract of such contract; and (iii) include the provisions of the foregoing clauses in every subcontract or purchase order, so that the provisions will be binding upon each subcontractor or vendor.

HB2351 (Marshall, R.) would have required that each public body's program to facilitate the participation of small, women- and minority-owned (SWAM) businesses in procurement transactions include a goal that 40 percent of the public body's procurement expenditures be for transactions with SWAM businesses. To count toward meeting this goal, the SWAM business must have been certified by the Department of Minority Business Enterprise. Public bodies were required to file annual reports detailing efforts to meet the goal of 40 percent SWAM business procurement.

HB2621 (Byron) would have prohibited state and local officers and employees from having a personal interest in a comprehensive agreement entered into under the Public-Private Education Facilities and Infrastructure Act. "Personal Interest" is defined in the State and Local Conflict of Interest Act as a financial benefit or liability accruing to an officer or employee or to a member of the immediate family of the officer or employee and is subject to certain thresholds.

PUBLIC SAFETY

The following bills passed:

HB1915 (Cole) rewrites the prohibition against carrying certain loaded semi-automatic rifles or pistols and shotguns in public in certain localities to delete the definition of "firearm" and replace it with the existing substance of the definition. The bill also clarifies that the prohibition does not apply to a person who has a valid concealed handgun permit.

HB2238 (O'Bannon) requires the State Board of Health to prescribe, in regulation, (i) training for emergency medical services personnel; (ii) collection and reporting of emergency response times; and (iii) enforcement provisions, including fines, to be assessed by the State Health Commissioner against any agency, or other entity found to be in violation of the emergency medical services statutes or regulations. All amounts paid as fines are allocated to the emergency medical services special fund.

HB2253 (Bell)/**SB1146** (Deeds) adds several new requirements to the Statewide Emergency Medical Services Plan developed by the Board of Health. These requirements include (i) publishing the Plan, (ii) expanding paramedic and advanced life support training, (iii) establishing and maintaining a process for crisis intervention and peer support services for emergency medical services and public safety personnel, a statewide emergency medical services for children program, a statewide system of health and medical emergency response teams, and a program to improve dispatching of emergency medical services, and (iv) identifying and establishing best practices for managing agencies and improving response times. The bill also deletes an obsolete cross-reference relating to automated external defibrillators.

HB2520 (O'Bannon) amends the immunity provisions of the Virginia State Government Volunteers Act, the law relating to isolation of persons with communicable diseases of public health threat, and the emergency services and disaster statutes to cover persons who serve in a Medical Reserve Corps (MRC) unit or on a Community Emergency Response Team (CERT).

HB2522 (O'Bannon) increases Board membership from 25 to 28 by including one representative from each of the regional emergency medical services councils. Current law states that each of the "eight" regional councils shall be represented, but 11 such councils actually exist. The bill also deletes an obsolete cross-reference regarding the automated external defibrillator registry, which no longer exists.

HB2523 (O'Bannon) clarifies that localities are currently permitted to charge insurers for ambulance services provided to any person covered by an accident and sickness insurance policy that provides coverage for ambulance services.

HB2667 (O'Bannon) raises the flat fee that may be charged to a person convicted of certain terrorism hoax incidents in order to reimburse the locality for related expenses.

HB2683 (Lingamfelter) eliminates the requirement that gun show promoters provide a list of vendors and exhibitors 72 hours prior to a show to the State Police and the sheriff or chief of police of the locality in which the show will be held. Gun show promoters will still be required to provide law-enforcement with at least 30-days notice of any show and provide a copy of the vendor and exhibitor list after the show. The bill also changes from 72 hours to five days the time within which the promoter must send the vendor and exhibitor list after the show, and would allow a promoter to send that list via email.

HB2791 (Albo) permits a court to order, as an additional penalty, the suspension of the driver's license for a period of up to one year for any person who purchases alcoholic beverages for a person who is less than 21 years of age.

The following bills failed:

HB2525 (O'Bannon) would have required health insurers, health maintenance organizations, and corporations providing health care coverage subscription contracts to provide coverage for ambulance services involving the transportation of a covered person to an acute care facility, trauma center, or burn facility, when the transportation is medically appropriate as the result of the person's sustaining an urgent or life-threatening injury, burn, or other medical emergency.

HB2684 (Lingamfelter) would have provided that local governments could not adopt regulations more stringent than the state Fire Prevention Code, affecting the possession, transportation, handling, storage, sale, or use of firearms or small arms ammunition, including smokeless powder, black powder, and primers. An agreement had been reached this past summer regarding the statewide regulations, and this bill would have partially broken the agreement without allowing it to work, and would have set a bad precedent.

HB2926 (Black) would have immunized manufacturers of firearms and ammunition from civil liability for damages resulting solely from the use of their products in the commission of a crime. Immunity would not attach where the products had been unlawfully distributed.

SB850 (Cuccinelli) would have declared that no person who lawfully possesses a firearm shall be prohibited from carrying such firearm on public property or the buildings thereon unless specifically prohibited by law. The bill was meant to overturn a rule established for the Capitol Square buildings by the Joint Rules Committee. Similar authority to restrict such firearms has not been granted to localities for their public buildings.

SCIENCE AND TECHNOLOGY

The following bills passed:

SB1159 (Stolle) clarifies that the Wireless E-911 Services Board's obligation to make payments to PSAP operators and CMRS providers is subject to the extent of appropriated funds. The bill also removes the exemptions to E-911 deployment, excludes governments from the surcharge collection, and establishes July 1 as the deadline for late funding requests. In addition, the bill clarifies the appeals process and expands the Board's responsibilities to include development of a single, statewide electronic addressing database. An "unfriendly" amendment was attached by the House regarding VoIP services, but this was ultimately rejected by the Senate 1-37, and the House receded on a 83-8 vote after local governments' objections.

The following bills failed:

HB2797 (Nixon) would have required the library board or governing body of a library (that receives State funding for any purpose) to include in its acceptable use policy a technology protection measure to filter or block Internet access through such computers to child pornography as set out in § 18.2-374.1:1, obscenity as defined in § 18.2-372 and materials deemed harmful to juveniles as defined in § 18.2-390. The bill also required the library board or governing body to actually select and install the technology protection measure. After the bill passed the House, the Senate reported the bill out of General Laws but rereferred it to Senate Finance where it was defeated 4-4. A similar bill, SB882 (Obenshain) was referred to and defeated in General Laws.

TRANSPORTATION

The following bills passed:

HB1602 (Fralin) provides that any state agency, board, or commission that issues a permit required for a highway construction project pursuant to Title 10.1, 28.2, 29.1, or 62.1 of the Code of Virginia must, within 15 days of receipt of an individual or general permit application, review the application for completeness and either accept the application or request additional specific information from the Department of Transportation. The bill further provides that, unless a shorter period is provided for by law, regulation, or agreement, the state agency, board, or commission must, within 120 days of receipt of a complete application, issue the permit, issue the permit with conditions, deny the permit, or decide whether a public meeting or hearing is required by law. If a public meeting or hearing is held, it must be held within 45 days of the decision to conduct such a proceeding, and a final decision as to the permit must be made within 90 days of completion of the public meeting or hearing.

HB1832 (Parrish) provides that any air pollution control regulation requiring the use of stage 1 vapor recovery equipment at gasoline dispensing facilities may be applicable only in areas that have been designated at any time by the U.S. Environmental Protection Agency as non-attainment for the pollutant ozone. Current regulations require the use of such equipment for those areas that have been designated at any time as non-attainment areas.

HB1931 (Shannon) clarifies limitations on expenditures for recreation access projects.

HB2666 (McDonnell)/**SB1108** (Stosch) makes several revisions to the Public Private Transportation Act (PPTA). The bill authorizes the establishment of an interim agreement to provide for partial planning and development activities while other aspects of a qualifying transportation project are being negotiated and analyzed. The bill also (i) authorizes a private entity to request approval of multiple responsible public entities (RPEs) in proposed projects involving multimodal transportation facilities, (ii) authorizes RPEs to enter into comprehensive agreements with multiple private entities, (iii) requires the RPE to protect confidential information submitted by a private entity, and (iv) adds factors that an RPE may consider when selecting proposals. The bill requires the Secretary of Transportation to revise existing state guidelines pertaining to the PPTA by October 1, 2005, and includes a provision allowing application of the revisions made by the legislation to certain existing qualifying transportation facilities.

HB2249 (Bell)/**SB710** (Devolites Davis) allows the Town of Vienna by ordinance to prohibit or regulate (i) the distribution of handbills, leaflets, bulletins, literature, advertisements, or similar material to, (ii) the solicitation of contributions from, and (iii) the sale of merchandise to the occupants of motor vehicles on highways. The bill also allows Albemarle and Greene Counties by ordinance to prohibit or regulate (i) the distribution of handbills, leaflets, bulletins, literature, advertisements, or similar material to, (ii) the solicitation of contributions from, and (iii) the sale of merchandise to the occupants of motor vehicles on public roadways and medians.

HB2418 (Armstrong) includes residential subdivisions and territory zoned residential in the definition of residence district for purposes of Title 46.2 (Motor Vehicles). The bill also excludes non-limited access highways with four or more lanes and primary highways located in residence districts from having 25 miles per hour speed limits.

HB2763 (Wardrup) authorizes the Commonwealth Transportation Board, by and with the consent of the Governor, to issue from time to time revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Federal Highway Reimbursement Anticipation Notes, Series", provided that the aggregate principal amount outstanding at any time shall not exceed \$1.2 billion plus an amount for financing expenses. The net proceeds of the Notes shall be used exclusively for the purpose of providing funds, together with any other available funds, for paying the costs, incurred or to be incurred for construction or funding of projects listed in the Six-Year Improvement Program as may be adopted from time to time by the Commonwealth Transportation Board.

HJR551 (Frederick) establishes a six-member joint subcommittee to conduct a two-year study to identify materials, technologies, techniques, actions, and strategies related to both highway planning and construction in order to identify those that will provide the greatest amount of noise abatement for the lowest cost, and the situations in which each of them may best be employed.

SB815 (Williams) authorizes "photo toll" facilities to record images of all vehicles whose operators choose to use the facilities and bill the registered owners of vehicles as to which no toll is paid, prior to pursuing other remedies. This bill also allows operators to charge an administrative fee of up to \$25 when collecting unpaid tolls.

The following bills failed:

HOV Bills

Several bills related to HOV lane operation were introduced. **HB1528** (Frederick) would have prohibited trucks and trailers from the HOV lanes. **HB1531** (Frederick) would have prohibited law enforcement vehicles that do not meet the occupancy requirements, unless they were responding to an emergency. **HB1574** (Albo) would have restricted the law enforcement agencies that are permitted to use the HOV lanes. **HB2849** (McQuigg) would have ended the exemption that allows hybrid vehicles to use the HOV lanes on July 1, 2005, but would grandfather existing hybrids. All the House bills were tabled or passed by in the House Transportation Committee. **SB1264** (O'Brien) would have extended the hybrid extension from July 1, 2006 to July 1, 2008. This bill was stricken by the patron.

HB1537 (Frederick) would have authorized the Town of Dumfries to use I-95 right-of-way to construct a barrier to prevent the deposition of highway debris on property abutting the right of way. Costs of construction were to be paid out of funds allocated for primary system highway construction in the Northern Virginia District.

HB1861 (Shannon)/**SB997** (Devolites) would have banned transportation of hazardous materials on VA Rte. 674 in Fairfax County between VA Rte. 123 and VA Rte. 606.

HB2426 (Cole) would have provided that the localities within the Potomac and Rappahannock Transportation Commission may request that motor vehicle fuel sales tax funds collected be disbursed to the locality in which the revenue was generated to be used in accordance with all other procedures of the Commission. Also, a transportation commission could meet at two or more locations simultaneously, linked by telephonic or video conferencing as long as each location was public and had met all advertising requirements.

HB2677 (Ebbin) would have directed VDOT to establish regional pedestrian and bicycle advisory committees.

HB2898 (Janis) would have authorized any agency or political subdivision of the Commonwealth that provides public rail transportation services to contract with a railroad company to allocate financial responsibility for claims related to passenger rail services. The agency or political subdivision was to maintain a liability insurance policy with limits of not less than \$200 million per incident or accident. The measure would have capped the aggregate liability of the agency or political subdivision and the railroad company for claims arising from a single accident or incident related to passenger rail services at the greater of \$200 million per incident or accident or the proceeds available from the insurance policy.

HJR694 (Peterson) would have requested that Amtrak and Virginia Railway Express report statistics on their "on-time" reliability to the Department of Transportation and the General Assembly.

SB797 (Watkins) would have provided that secondary road construction funds allocated under § 33.1-23.4 were to be disbursed directly to the county, if so requested by resolution of the governing body. Any county receiving a direct allocation of funds was to certify to the Commonwealth Transportation Board that such funds would be expended exclusively for secondary road projects and according to appropriate standards.

SJR283 would have requested the Department of Environmental Quality to study the costs and benefits of adopting air pollution standards for automobiles in Northern Virginia.

OTHER

Other bills and resolutions that failed:

HB2056 (Byron) would have limited the benefits which aliens not eligible for lawful employment may receive under the Workers' Compensation Act to medical benefits. The measure passed the House 53-42 despite opposition by certain insurance companies and labor unions. The Senate Commerce and Labor Committee made several significant amendments to the bill and reported it 9-6, but the bill was sent from the Senate floor to the Courts of Justice Committee where it died.

HB2097 (Hugo) would have conferred associational standing in Virginia as articulated in *Hunt v. Washington Apple Advertising Commission*, 432 U.S. 333 (1977). Virginia currently follows the common law rule that the person seeking standing must have an immediate, pecuniary, and substantial interest in the litigation, and not a remote or indirect interest. Unlike federal law, the injury to an individual of an association does not vest in the association.

STUDIES

The following studies passed:

HJR573 (Albo) directs the Virginia State Crime Commission to study criminal street gang conduct and characteristics for the purpose of reducing the burden on prosecutors by producing a formal listing of gang names coupled with conduct and characteristics unique to those gangs.

HJR588 (Marshall) establishes a joint subcommittee to study medical, ethical, and scientific issues relating to stem cell research conducted in the Commonwealth. The joint subcommittee shall examine the medical, ethical, and scientific policy implications of stem cell research, and the efficacy of research using both adult and embryonic stem cells.

HJR625 (Saxman) requests the Secretary of Commerce and Trade to study the possibility of exploring for natural gas in coastal areas of the Commonwealth. The Secretary shall include recommended legislation that could permit drilling for natural gas off the Commonwealth's coast. A related bill, **SB1054** (Wagner), which directs the Virginia Liaison Office to work with members of the State Congressional Delegation and executive agencies to develop and enact legislation or executive action that would provide an exemption to the existing moratorium on off-shore natural gas exploratory activity, also passed.

HJR640 (Callahan) establishes an eight-member joint subcommittee to study options to provide a long-term funding source to clean up Virginia's polluted waters, including the Chesapeake Bay and its tributaries. The six legislative members are the chairmen of the money committees and the chairmen of the committees of oversight in the House and Senate. The Secretary of Natural Resources and the Secretary of Agriculture or their designees serve as ex officio voting members.

HJR656 (Spruill) establishes a joint committee to study the taxes, assessments, and fees imposed by the Commonwealth that generate little revenue. The joint subcommittee is charged with examining if administrative costs can be reduced if smaller taxes and fees are consolidated into larger ones which can be collected more efficiently.

HJR664 (Abbitt) requests that the Department of Taxation study the feasibility of establishing uniformity and consistency among Virginia's localities in the design and use of tax stamps as evidence of payment of local cigarette taxes by tobacco wholesalers.

HJR667 (Albo) encourages the State Board of Elections to review the Campaign Finance Disclosure Act to determine the need for clarification and reorganization of the law.

HJR707 (Landes) continues and renames the Joint Subcommittee to Study the Appropriate Balance of Power Between the Legislative and Executive Branches to Support a Two-Term Governor in the Commonwealth as the Joint Subcommittee to Study the Appropriate Balance of Power Between the Legislative and Executive Branches. During its second year of study, the joint subcommittee will continue to review proposals to (i) lengthen the session to 60 days in the odd-numbered years, (ii) shift the budget cycle, (iii) provide for annual budgets, (iv) create an independent economic and revenue forecasting commission, (v) allow for legislative veto or suspension of administrative regulations, (vi) increase legislative oversight of the boards of visitors of the public institutions of higher education and the Commonwealth Transportation Board, and (vii) establish an appropriate balance of powers between the legislative and executive branches as the joint subcommittee deems appropriate. The joint subcommittee must submit an executive summary of its findings and recommendations to the 2006 Session of the General Assembly.

HJR713 (Byron) establishes a joint subcommittee to study the need for greater consolidation or coordination of the workforce development and training resources available in the Commonwealth. In conducting its study, the joint subcommittee shall identify all workforce training and development resources in the Commonwealth of Virginia, including annual funding appropriations, staffing and management responsibilities; develop models for consolidation or other coordination of workforce training resources; identify needed changes to the administrative structure governing workforce development and training policy in the Commonwealth; identify costs of implementing and cost savings associated with greater coordination of resources; and make legislative recommendations for the 2006 Regular Session of the General Assembly.

SJR308 (Chichester) directs the Virginia Code Commission to identify tax preferences located outside of Title 58.1 in the Code of Virginia, and to report biennially to the General Assembly with recommendations for legislation to cross-reference these preferences in Title 58.1 or to generally make the tax preferences in the Code easier to identify.

SJR330 (O'Brien) establishes a joint subcommittee to study regulation of the vehicle towing and recovery industry by the Department of Professional and Occupational Regulation.

SJR331 (O'Brien) establishes a joint subcommittee to study Virginia's adoption laws and policies. In conducting its study, the joint subcommittee shall do a comprehensive review of Virginia's adoption laws, with special emphasis paid to the recognition and effect given to foreign adoption decrees, and determine whether such laws can be rewritten and reorganized to give clear and consistent guidance to persons using the laws.

SJR336 (Mims) establishes a joint subcommittee to study the operations of circuit court clerks' offices.

SJR360 (Wagner) directs the Joint Legislative and Review Commission to study the comparative burden of regulatory compliance on Virginia's manufacturing sector. The Commission shall evaluate the total costs on Virginia manufacturers of complying with state and federal regulations; the burden imposed on Virginia manufacturers compared to the burden imposed on other sectors of Virginia's economy; and the burden imposed on Virginia manufacturers compared to the regulatory compliance burdens on manufacturers in other mid-Atlantic and Southern states.

SJR361 (Wagner) continues for one year the joint subcommittee established in 2004 by SJR 64 to study manufacturing needs and the future of manufacturing in Virginia. The joint subcommittee is directed to (i) determine how the manufacturing sector's needs may be addressed quickly, efficiently, and cost-effectively and (ii) consider what role state and local governments should have in this endeavor.

SJR367 (Ticer) continues the Board of Forestry's study of incentives to private landowners to hold and preserve their forestlands.

SJR371 (Whipple) adds two non-legislative, nonvoting citizen members with computer security expertise to the Joint Subcommittee to Study the Certification Process for Voting Equipment and Matters Related to the Performance and Proper Deployment of Voting Equipment.

SJR376 (Houck) directs the Virginia Housing Commission to study the feasibility of exempting nonprofit organizations that construct housing for low-income persons from zoning provisions that limit how and when property may be subdivided into individual lots.

SJR388 (Mims) advises the citizens of Virginia of the intention of the Virginia Code Commission to publish a 2007 Code of Virginia to replace the Code of 1950.

SJR393 (Stolle) continues the 2004 study requesting the Department of Game and Inland Fisheries to study local firearms hunting ordinances. The agency was requested to examine, among other issues, how these ordinances can be made more uniform and consistent across the Commonwealth, with particular attention paid to the development and use of model ordinances that would lead to an easier understanding by the public of the hunting laws.

SJR406 (Rerras) expresses the General Assembly's support for the Virginia Hydrogen Energy Plan.

The following studies failed:

HJR596 (Parrish) would have requested the Virginia Housing Development Authority to study the comprehensive impact of residential overcrowding on localities.

HJR597 (Whipple) would have directed the Joint Legislative Audit and Review Commission to study the economic impact of Virginia's foreign-born population residing within Planning District 8. This study would have built upon a prior JLARC study on the acclimation of Virginia's foreign-born population by focusing on the region where over two-thirds of the population is foreign-born.

HJR694 (Petersen) would have requested that Amtrak and Virginia Railway Express report statistics on their "on-time" reliability to the Department of Transportation and the General Assembly.

HJR742 (Wardrup) would have established the Commission on Transportation Needs in the Commonwealth to study a list of issues associated with promoting a more efficient transportation system for the Commonwealth. This resolution incorporated HJR 662 (Wardrup), HJR 660 (Reese), HJR 663 (Marrs), HJR 715 (Lingamfelter), HJR 744 (Phillips), HJR 772 (Parrish), and HJR 791 (Marshall, R.G.). The resolution proposed a two-year study.

SJR282 (Hawkins) would have established a seventeen-member joint subcommittee to examine (i) whether the Commonwealth's current classification of roads into primary, secondary, and urban systems is the most suitable for addressing future transportation issues or should be replaced with a functional system that is based upon the usage of roads; (ii) whether the current statutory formula for allocating highway construction funds should be changed to better reflect transportation needs; (iii) the appropriate state and local roles in highway construction and maintenance and the revenue resources that are available to perform such roles; (iv) whether the Public-Private Transportation Act of 1995 is making a significant difference in meeting Virginia's transportation needs, is compatible with state and federal transportation policies, and is attracting private capital; (v) whether land use and transportation planning decisions should be more effectively coordinated than is presently provided for under law; (vi) the composition of the Commonwealth Transportation Board; (vii) whether transit services can be expanded to match the annual increase in vehicle miles traveled to lessen the stress on Virginia's roads; (viii) solutions for long-term sustainable funding of transportation maintenance and construction; and (ix) such other transportation-related matters as the joint subcommittee deemed appropriate. The resolution proposed a one-year study.

SJR440 (Whipple) would have expressed the support of the General Assembly for the recommendations of the Panel on the Analysis of and Potential for Alternate Dedicated Revenue Sources for the Washington Metropolitan Area Transit Authority. The resolution also urged the Governor of Virginia to work with the Governor of the State of Maryland, the Mayor of the District of Columbia and federal officials to make the development of an implementation plan for the Panel's recommendations a top priority for introduction at the 2006 Regular Session of the General Assembly.

SJR442 (O'Brien) would have expressed the General Assembly's support of the Lorton Workhouse Arts Center at the former District of Columbia prison facility on Route 123 in Lorton.